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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**IN RE: KIA HYUNDAI VEHICLE  
THEFT MARKETING, SALES  
PRACTICES, AND PRODUCTS  
LIABILITY LITIGATION**

## This Document Relates to:

*City of Chicago v. Kia America, Inc.,  
and Hyundai Motor America*, Case No.  
8:23-cv-02045-JVS(KESx)

Case No.: 8:22-ML-03052-JVS(KESx)

**ANSWER OF DEFENDANT  
HYUNDAI MOTOR AMERICA TO  
CITY OF CHICAGO'S SECOND  
AMENDED COMPLAINT**

## JURY DEMAND

Judge: Hon. James V. Selna

Defendant Hyundai Motor America (“HMA” or “Defendant”) by and through its counsel, hereby submits its Answer to the Second Amended Complaint (“SAC”) filed by Plaintiff City of Chicago, Illinois (“Plaintiff” or “Chicago”). Unless expressly and specifically admitted, HMA denies each and every allegation made by Chicago in its SAC. HMA answers as follows:

## I. INTRODUCTION<sup>1,2</sup>

7       1. Answering Paragraph 1, Defendant responds that it is without knowledge  
8 or information sufficient to form a belief as to the truth or falsity of the allegations  
9 relating to Kia America, Inc. (“KA” or “Kia”) and therefore denies them. Answering  
10 further, Defendant responds that “hot-wiring” and “harder” are vague and ambiguous,  
11 and denies the allegations on that basis. Answering further, Defendant denies that it  
12 manufactured vehicles. Answering further, Defendant responds that the allegations  
13 are vague as to time and therefore denies them. All allegations in this Paragraph not  
14 specifically admitted are denied.

15       2. Answering Paragraph 2, Defendant responds that it is without knowledge  
16 or information sufficient to form a belief as to the truth or falsity of the allegations  
17 relating to Kia, and therefore denies them. Answering further, Defendant responds  
18 that “chose,” “often simple,” “industry-standard,” “anti-theft technologies,” “many of  
19 their cars,” “shortcomings,” “hot-wire,” “viral,” “skyrocketed,” “record-setting  
20 rates,” “violent crimes,” “injuries,” and “property damage” are vague and ambiguous,

<sup>22</sup> 1 This document adopts the headings of Plaintiff's SAC only for the Court's ease of  
<sup>23</sup> reference. Defendant does not agree with or admit any statements alleged in the  
headings.

24       <sup>2</sup> On January 18, 2024, the Court approved the Parties' joint stipulation to dismiss  
25 Hyundai Motor Company ("HMC") and Kia Corporation ("KC") from this action  
26 without prejudice. *See Dkt. 292, Order Approving Stipulation re Voluntary Dismissal*  
27 *of Hyundai Motor Company and Kia Corporation and Discovery.* Chicago, in its  
28 SAC, refers to HMA as "Hyundai" and KA as "Kia." This document adopts those  
same references.

1 and denies the allegations on that basis. Answering further, Defendant admits that  
2 videos were posted online demonstrating how to steal certain Hyundai and Kia brand  
3 vehicles, however, Defendant is without knowledge or information sufficient to form  
4 a belief as to when such videos were first posted online, and therefore denies the  
5 allegation on that basis. Answering further, Defendant denies that it manufactures  
6 cars. Answering further, Defendant denies Plaintiff's characterization of the facts in  
7 this Paragraph. All allegations in this Paragraph not specifically admitted are denied.

8       3. Answering Paragraph 3, Defendant responds that it is without knowledge  
9 or information sufficient to form a belief as to the truth or falsity of the allegations  
10 relating to Kia, and therefore denies them. Answering further, Defendant responds  
11 that "critical," "defect," "easily," "[m]ost car manufacturers," "standard anti-theft  
12 equipment," "other major car manufacturer," "equivalent anti-theft technology,"  
13 "touting," "'advanced' technology," and "safety features" are vague and ambiguous,  
14 and denies the allegations on that basis. Answering further, Defendant denies that it  
15 manufactured vehicles. Answering further, Defendant denies Plaintiff's  
16 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
17 specifically admitted are denied.

18       4. Answering Paragraph 4, Defendant responds that it is without knowledge  
19 or information sufficient to form a belief as to the truth or falsity of the allegations  
20 relating to Kia, and therefore denies them. Answering further, Defendant responds  
21 that "effective," "capability," "provide," "routinely," "standard equipment,"  
22 "equivalent anti-theft technology," "crime," "threaten," "public safety," "clearly  
23 disclose," "industry-standard," "such a disclosure," "highly susceptible," and "costs"  
24 are vague and ambiguous, and denies the allegations on that basis. Answering further,  
25 Defendant denies that it manufactured vehicles. Answering further, Defendant is  
26 without knowledge or information sufficient to form a belief as to truth or falsity of  
27 the remaining allegations in this Paragraph and therefore denies them. Answering  
28

1 further, Defendant denies Plaintiff's characterization of the facts in this Paragraph.  
2 All allegations in this Paragraph not specifically admitted are denied.

3       5. Answering Paragraph 5, Defendant responds that it is without knowledge  
4 or information sufficient to form a belief as to the truth or falsity of the allegations  
5 relating to Kia, and therefore denies them. Answering further, Defendant responds  
6 that "unlawful and reckless actions," "car theft crisis," "trend," and "consistently" are  
7 vague and ambiguous, and denies the allegations on that basis. Answering further,  
8 Defendant states that this Paragraph contains a legal conclusion to which no response  
9 is required. To the extent a response is required, Defendant denies the allegations.  
10 Answering further, Defendant is without knowledge or information sufficient to form  
11 a belief as to truth or falsity of the remaining allegations in this Paragraph and  
12 therefore denies them. Answering further, Defendant denies Plaintiff's  
13 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
14 specifically admitted are denied.

15       6. Answering Paragraph 6, Defendant responds that it is without knowledge  
16 or information sufficient to form a belief as to the truth or falsity of the allegations  
17 relating to Kia, and therefore denies them. Answering further, Defendant responds  
18 that "surge," "hard," "harm's way," "crime wave," "stressed," "cost," "unlawful  
19 conduct," "property damage," "diverts law enforcement resources," "strives to keep  
20 the public safe," "harm," "costs," "misrepresentations," and "material omissions" are  
21 vague and ambiguous, and denies the allegations on that basis. Answering further,  
22 Defendant responds that the allegations are vague as to time and therefore denies  
23 them. Answering further, Defendant states that this Paragraph contains a legal  
24 conclusion to which no response is required. To the extent a response is required,  
25 Defendant denies the allegations. Answering further, Defendant is without  
26 knowledge or information sufficient to form a belief as to truth or falsity of the  
27 remaining allegations in this Paragraph and therefore denies them. Defendant denies  
28

1 Plaintiff's characterization of the facts in this Paragraph. All allegations in this  
2 Paragraph not specifically admitted are denied.

3 **II. PARTIES**

4 7. Answering Paragraph 7, Defendant responds that this Paragraph contains  
5 legal conclusions to which no response is required. To the extent a response is  
6 required, Defendant is without knowledge or information sufficient to form a belief  
7 as to the truth or falsity of the allegations in this Paragraph, including footnote 2, and  
8 therefore denies them. All allegations in this Paragraph not specifically admitted are  
9 denied.

10 8. Answering Paragraph 8, Defendant responds that "oversees regulatory  
11 compliance," "directly and materially involved," and "disseminating" are vague and  
12 ambiguous, and denies the allegations on that basis. Answering further, Defendant  
13 denies that it manufactures or designs vehicles. Answering further, Defendant admits  
14 that it distributes Hyundai brand vehicles in the United States. Answering further,  
15 Defendant admits that it distributes, markets, warrants, and oversees warranty  
16 servicing of Hyundai-brand vehicles through a network of over 800 dealers  
17 throughout the United States from its headquarters in California. Answering further,  
18 Defendant denies that it leases vehicles. Answering further, Defendant admits that it  
19 develops promotional and advertising materials for Hyundai vehicles. Answering  
20 further, Defendant admits that it is incorporated in California and headquartered at  
21 10550 Talbert Avenue, Fountain Valley, California. All allegations in this Paragraph  
22 not specifically admitted are denied.

23 9. Answering Paragraph 9, Defendant admits that KA is headquartered in  
24 California. Answering further, Defendant is without knowledge or information  
25 sufficient to form a belief as to the remaining allegations in this Paragraph, and  
26 therefore denies them. All allegations in this Paragraph not specifically admitted are  
27 denied.

28

### **III. JURISDICTION AND VENUE**

2       10. Answering Paragraph 10, Defendant admits that HMA and KA are  
3 incorporated and headquartered in the State of California. Answering further,  
4 Defendant states that this Paragraph contains legal conclusions to which no response  
5 is required. To the extent a response is required, Defendant denies the allegations.  
6 All allegations in this Paragraph not specifically admitted are denied.

7       11. Answering Paragraph 11, Defendant admits that this action was  
8 originally filed in state court in Cook County, Illinois. Answering further, Defendant  
9 admits that this action was then removed to the United States District Court for the  
10 Northern District of Illinois. Answering further, Defendant admits that this action  
11 was then transferred to this multidistrict litigation pending in the United States District  
12 Court for the District of Central California. Answering further, Defendant responds  
13 that it is without knowledge or information sufficient to form a belief as to the truth  
14 or falsity of the remaining allegations and therefore denies them. All allegations in  
15 this Paragraph not specifically admitted are denied.

16        12. Answering Paragraph 12, Defendant responds that it is without  
17 knowledge or information sufficient to form a belief as to the truth or falsity of the  
18 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
19 responds that “conduct,” “significant business,” “unlawful conduct,” and “emanated  
20 from” are vague and ambiguous, and denies the allegations on that basis. Answering  
21 further, Defendant states that this Paragraph contains legal conclusions to which no  
22 response is required. To the extent a response is required, Defendant denies the  
23 allegations. All allegations in this Paragraph not specifically admitted are denied.

24       13. Answering Paragraph 13, Defendant responds that “substantial” is vague  
25 and ambiguous, and denies the allegations on that basis. Answering further,  
26 Defendant states that this Paragraph contains legal conclusions to which no response  
27 is required. To the extent a response is required, Defendant denies the allegations.  
28 All allegations in this Paragraph not specifically admitted are denied.

## **IV. FACTUAL ALLEGATIONS**

A. **Hyundai and Kia Became Two of the Most Popular Vehicle Manufacturers in the United States.**

4       14. Answering Paragraph 14, Defendant responds that it is without  
5 knowledge or information sufficient to form a belief as to the truth or falsity of the  
6 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
7 responds that “popular,” and “recognizable” are vague and ambiguous, and denies the  
8 allegations on that basis. Answering further, Defendant is without knowledge or  
9 information sufficient to form a belief as to the truth or falsity of the remaining  
10 allegations in this Paragraph, and therefore denies them. All allegations in this  
11 Paragraph not specifically admitted are denied.

12        15. Answering Paragraph 15, Defendant responds that it is without  
13 knowledge or information sufficient to form a belief as to the truth or falsity of the  
14 allegations relating to Kia or Hyundai Motor Company, and therefore denies them.  
15 Answering further, Defendant responds that “Kia,” “it,” “its,” “controls,” “closely,”  
16 and “connected” are vague and ambiguous, and denies the allegations on that basis.  
17 All allegations in this Paragraph not specifically admitted are denied.

18        16. Answering Paragraph 16, Defendant responds that it is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the  
20 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
21 responds that “close,” “connections,” “many,” “underlying engineering,” and “certain  
22 parts” are vague and ambiguous and denies the allegations on that basis. Answering  
23 further, Defendant is without knowledge or information sufficient to form a belief as  
24 to the truth or falsity of the allegations regarding engineers at Hyundai America  
25 Technical Center, Inc. (“HATCI”). All allegations in this Paragraph not specifically  
26 admitted are denied.

27       17. Answering Paragraph 17, Defendant responds that it is without  
28 knowledge or information sufficient to form a belief as to the truth or falsity of the

1 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
2 responds that “have,” “industry-standard,” and “equivalent anti-theft equipment” are  
3 vague and ambiguous and denies the allegations on that basis. Answering further,  
4 Defendant admits that it marketed vehicles in the United States from 2011 through  
5 2022. Answering further, Defendant denies that it sold vehicles to Chicago  
6 consumers from 2011 through 2022. All allegations in this Paragraph not specifically  
7 admitted are denied.

8                   **B. Hyundai and Kia Failed to Install Industry-Standard Engine  
9                   Immobilizers or Equivalent Technology.**

10                  18. Answering Paragraph 18, Defendant is without knowledge or  
11 information sufficient to form a belief as to the truth or falsity of the allegations in  
12 this Paragraph and therefore denies them. All allegations in this Paragraph not  
13 specifically admitted are denied.

14                  19. Answering Paragraph 19, to the extent Plaintiff relies on the Act or  
15 regulations cited in Paragraph 19 of the SAC, the Act and regulations speak for  
16 themselves. Answering further, Defendant states that this Paragraph contains a legal  
17 conclusion to which no response is required. To the extent a response is required,  
18 Defendant denies the allegations. All allegations in this Paragraph not specifically  
19 admitted are denied.

20                  20. Answering Paragraph 20, to the extent Plaintiff relies on the regulation  
21 cited in Paragraph 20 of the SAC, the regulation speaks for itself. All allegations in  
22 this Paragraph not specifically admitted are denied.

23                  21. Answering Paragraph 21, Defendant responds that “industry-standard”  
24 and “easiest” are vague and ambiguous, and denies the allegation on that basis.  
25 Answering further, to the extent Plaintiff’s allegations rely on the document cited in  
26 footnote 3 of the SAC, the document speaks for itself. Answering further, Defendant  
27 states that this Paragraph contains legal conclusions to which no response is required.

28

1 To the extent a response is required, Defendant denies the allegations. All allegations  
2 in this Paragraph not specifically admitted are denied.

3       22. Answering Paragraph 22, Defendant responds that “hot-wiring” is vague  
4 and ambiguous, and denies the allegation on that basis. Answering further, Defendant  
5 is without knowledge or information sufficient to form a belief as to the truth or falsity  
6 of the remaining allegations in this Paragraph and therefore denies them. All  
7 allegations in this Paragraph not specifically admitted are denied.

8       23. Answering Paragraph 23, Defendant responds that it is without  
9 knowledge or information sufficient to form a belief as to the truth or falsity of the  
10 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
11 responds that “effective” and “standard equipment” are vague and ambiguous, and  
12 denies the allegations on that basis. Answering further, to the extent Plaintiff’s  
13 allegations, including the figure under Paragraph 23, rely on the document cited in  
14 footnote 4 of the SAC, the document speaks for itself. Answering further, Defendant  
15 is without knowledge or information sufficient to form a belief as to the truth or falsity  
16 of the allegations related to vehicles from automobile manufacturers in the United  
17 States, and therefore denies the allegations. Answering further, Defendant states that  
18 this Paragraph contains a legal conclusion regarding European, Canadian, New  
19 Zealand, or Australian laws and/or regulations, and therefore no response is required.  
20 To the extent a response is required, Defendant responds that the referenced laws  
21 and/or regulations speak for themselves. Answering further, Defendant denies that it  
22 manufactures automobiles. Answering further, Defendant is without knowledge or  
23 information sufficient to form a belief as to the truth or falsity of the remaining  
24 allegations in this Paragraph and therefore denies them. Answering further,  
25 Defendant denies Plaintiff’s characterization of the facts in this Paragraph. All  
26 allegations in this Paragraph not specifically admitted are denied.

27       24. Answering Paragraph 24, Defendant responds that “industry-standard  
28 equipment,” “effective,” “curbing,” “significantly,” and “peak” are vague and

1 ambiguous, and denies the allegation on that basis. To the extent Plaintiff's  
2 allegations, including the figure below Paragraph 24, rely on the documents cited in  
3 footnotes 5, 6, and 7 of the SAC, the documents speak for themselves. Answering  
4 further, Defendant is without knowledge or information sufficient to form a belief as  
5 to the truth or falsity of the remaining allegations in this Paragraph and therefore  
6 denies them. All allegations in this Paragraph not specifically admitted are denied.

7       25. Answering Paragraph 25, Defendant responds that it is without  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the  
9 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
10 responds that "evidence," "effective," "equally if not more effective," "slew,"  
11 "dramatic," and "substantially similar" are vague and ambiguous, and therefore  
12 denies the allegations on that basis. Answering further, to the extent Plaintiff's  
13 allegations rely on the document cited in footnotes 8 and 9 of the SAC, the document  
14 speaks for itself. All allegations in this Paragraph not specifically admitted are denied.

15       26. Answering Paragraph 26, Defendant responds that it is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the  
17 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
18 responds that "effective," "evidence," "this conclusion," "chose," "cost-prohibitive,"  
19 "[i]ncluding," "the technology," and "routinely" are vague and ambiguous, and  
20 therefore denies the allegations on that basis. Answering further, Defendant denies  
21 that it manufactured vehicles. Answering further, Defendant responds that the  
22 allegations are vague as to time and therefore denies them. All allegations in this  
23 Paragraph not specifically admitted are denied.

24       27. Answering Paragraph 27, Defendant responds that it is without  
25 knowledge or information sufficient to form a belief as to the truth or falsity of the  
26 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
27 responds that "equivalent technology" is vague and ambiguous, and therefore denies  
28 the allegations on that basis. Answering further, to the extent Plaintiff's allegations,

1 including the figure below Paragraph 27, rely on the document cited in footnote 10 of  
2 the SAC, the document speaks for itself. Answering further, Defendant denies that it  
3 manufactured vehicles. Answering further, Defendant admits that it distributed model  
4 years 2011 through 2022 of the Hyundai-branded vehicles listed in this Paragraph.  
5 Answering further, Defendant denies that all model years between 2011 and 2022 of  
6 the Hyundai-branded vehicles listed lacked engine immobilizers. All allegations in  
7 this Paragraph not specifically admitted are denied.

8       28. Answering Paragraph 28, Defendant admits that the SAC purportedly  
9 refers to the listed vehicle models as the “Defective Vehicles,” but denies that  
10 characterization.

11       29. Answering Paragraph 29, Defendant responds that it is without  
12 knowledge or information sufficient to form a belief as to the truth or falsity of the  
13 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
14 responds that “representations,” “Defective Vehicles,” “more advanced technology  
15 and safety features,” “comparable vehicles on the market,” “measurably less safe,”  
16 “easily stolen,” and “rampant” are vague and ambiguous, and denies the allegations  
17 on that basis. Answering further, Defendant denies Plaintiff’s characterization of the  
18 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are  
19 denied.

20       **C. Kia and Hyundai Misrepresented the Safety and Quality of the  
21 Defective Vehicles and Failed to Disclose the Lack of Industry-  
Standard Anti-Theft Technology to Chicago Consumers.**

22       30. Answering Paragraph 30, Defendant responds that it is without  
23 knowledge or information sufficient to form a belief as to the truth or falsity of the  
24 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
25 responds that “advertisements and marketing materials,” “misrepresentations,”  
26 “quality,” “safety,” “Defective Vehicles,” “clearly disclose,” “industry-standard,” and  
27 “equivalent anti-theft technology” are vague and ambiguous, and denies the  
28 allegations on that basis. Answering further, Defendant admits that it made available

1 and/or directed advertisements and marketing materials to Chicago consumers from  
2 2011 through 2022. Answering further, Defendant denies Plaintiff's characterization  
3 of the facts in this Paragraph. All allegations in this Paragraph not specifically  
4 admitted are denied.

5       31. Answering Paragraph 31, Defendant admits that Plaintiff purports to  
6 make allegations in Plaintiff's SAC with as much specificity as possible. Defendant  
7 disputes the level of specificity with which Plaintiff claims to have pleaded its  
8 allegations. Answering further, Defendant denies Plaintiff's characterization of the  
9 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are  
10 denied.

11       32. Answering Paragraph 32, Defendant responds that it is without  
12 knowledge or information sufficient to form a belief as to the truth or falsity of the  
13 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
14 responds that "obfuscated," "industry-standard," "equivalent anti-theft technology,"  
15 "Defective Vehicles," "advertisements," "disseminated," "touting," "quality,"  
16 "safety," "such statements" and "material information" are vague and ambiguous, and  
17 denies the allegations on that basis. Answering further, Defendant states that this  
18 Paragraph contains a legal conclusion to which no response is required. To the extent  
19 a response is required, Defendant denies the allegations. Answering further,  
20 Defendant is without knowledge or information sufficient to form a belief as to the  
21 truth or falsity of the remaining allegations in this Paragraph and therefore denies  
22 them. Answering further, Defendant denies Plaintiff's characterization of the facts in  
23 this Paragraph. All allegations in this Paragraph not specifically admitted are denied.

24       33. Answering Paragraph 33, Defendant responds that it is without  
25 knowledge or information sufficient to form a belief as to the truth or falsity of the  
26 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
27 responds that "advertisements and marketing materials," "Defective Vehicles,"  
28 "safety and other advanced features," "standard equipment," "equivalent anti-theft

1 technology” and “safety” are vague and ambiguous, and denies the allegations on that  
2 basis. Answering further, Defendant is without knowledge or information sufficient  
3 to form a belief as to the truth or falsity of the remaining allegations in this Paragraph,  
4 including regarding reasonable consumers’ interpretations, and therefore denies them.  
5 Answering further, Defendant denies Plaintiff’s characterization of the facts in this  
6 Paragraph. All allegations in this Paragraph not specifically admitted are denied.

7       34. Answering Paragraph 34, Defendant responds that it is without  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the  
9 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
10 responds that “most ads,” “equivalent anti-theft technology,” “industry-standard  
11 technology,” “clearly state” “standard equipment,” “[s]uch statements,” “clear and  
12 conspicuous disclosures,” and “Defective Vehicles” are vague and ambiguous, and  
13 denies the allegations on that basis. Answering further, Defendant states that this  
14 Paragraph contains a legal conclusion to which no response is required. To the extent  
15 a response is required, Defendant denies the allegations. Answering further,  
16 Defendant is without knowledge or information sufficient to form a belief as to the  
17 truth or falsity of the remaining allegations in this Paragraph and therefore denies  
18 them. Answering further, Defendant denies Plaintiff’s characterization of the facts in  
19 this Paragraph. All allegations in this Paragraph not specifically admitted are denied.

20       35. Answering Paragraph 35, Defendant responds that it is without  
21 knowledge or information sufficient to form a belief as to the truth or falsity of the  
22 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
23 responds that “clearly disclose,” “deceptive,” “representations,” “advertisements and  
24 marketing materials,” “Defective Vehicles,” “more advanced technology and safety  
25 features,” and “other comparable vehicles” are vague and ambiguous, and denies the  
26 allegations on that basis. Answering further, Defendant states that this Paragraph  
27 contains a legal conclusion to which no response is required. To the extent a response  
28 is required, Defendant denies the allegations. Answering further, Defendant denies

1 Plaintiff's characterization of the facts in this Paragraph. All allegations in this  
2 Paragraph not specifically admitted are denied.

3       36. Answering Paragraph 36, to the extent Plaintiff's allegations rely on the  
4 websites cited in footnotes 11 and 12 of the SAC, the websites speak for themselves.  
5 Answering further, Defendant denies Plaintiff's characterization of the facts in this  
6 Paragraph. All allegations in this Paragraph not specifically admitted are denied.

7       37. Answering Paragraph 37, Defendant responds that “[t]hese same  
8 themes,” “advertisements,” and “Defective Vehicles” are vague and ambiguous, and  
9 denies the allegations on that basis. Answering further, to the extent Plaintiff's  
10 allegations rely on the document cited in footnote 13 of the SAC, the document speaks  
11 for itself. Answering further, Defendant denies Plaintiff's characterization of the facts  
12 in this Paragraph. All allegations in this Paragraph not specifically admitted are  
13 denied.

14       38. Answering Paragraph 38, Defendant responds that “equivalent anti-theft  
15 technology” is vague and ambiguous, and denies the allegations on that basis.  
16 Answering further, to the extent Plaintiff's allegations rely on the document cited in  
17 footnotes 14, 15, and 16 of the SAC, the document speaks for itself. Answering further,  
18 Defendant denies Plaintiff's characterization of the facts in this Paragraph.  
19 All allegations in this Paragraph not specifically admitted are denied.

20       39. Answering Paragraph 39, Defendant responds that “equivalent anti-theft  
21 technology” is vague and ambiguous, and denies the allegations on that basis.  
22 Answering further, to the extent Plaintiff's allegations rely on the document cited in  
23 footnotes 17 and 18 of the SAC, the document speaks for itself. Answering further,  
24 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All  
25 allegations in this Paragraph not specifically admitted are denied.

26       40. Answering Paragraph 40, Defendant responds that “equivalent anti-theft  
27 technology” is vague and ambiguous, and denies the allegations on that basis.  
28 Answering further, to the extent Plaintiff's allegations rely on the document cited in

1 footnote 19 of the SAC, the document speaks for itself. Answering further, Defendant  
2 denies Plaintiff's characterization of the facts in this Paragraph. All allegations in this  
3 Paragraph not specifically admitted are denied.

4       41. Answering Paragraph 41, Defendant responds that "deceptive  
5 advertising," "representative of similar advertisements, including brochures and other  
6 advertisements," and "Defective Vehicles" are vague and ambiguous, and denies the  
7 allegations on that basis. Answering further, to the extent Plaintiff's allegations rely  
8 on the documents listed in Exhibit A, which is cited in footnote 20 of the SAC, the  
9 documents speak for themselves. Answering further, Defendant states that this  
10 Paragraph contains a legal conclusion to which no response is required. To the extent  
11 a response is required, Defendant denies the allegations. Answering further,  
12 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All  
13 allegations in this Paragraph not specifically admitted are denied.

14       42. Answering Paragraph 42, Defendant responds that it is without  
15 knowledge or information sufficient to form a belief as to the truth or falsity of the  
16 allegations relating to Kia, and therefore denies them. To the extent a response is  
17 required, Defendant responds that "the advertisements that Chicago reviewed,"  
18 "pattern and practice," "touting," "some of the most advanced technology and safety  
19 features," "expressly and clearly disclose," "equivalent anti-theft technology," "that  
20 technology," "standard equipment," and "almost all other vehicles" are vague and  
21 ambiguous, and denies the allegations on that basis. Answering further, Defendant is  
22 without knowledge or information sufficient to form a belief as to the truth or falsity  
23 of the allegations relating to vehicles from other companies, and therefore denies the  
24 allegations. Answering further, Defendant states that this Paragraph contains a legal  
25 conclusion to which no response is required. To the extent a response is required,  
26 Defendant denies the allegations. Answering further, Defendant denies Plaintiff's  
27 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
28 specifically admitted are denied.

1       43. Answering Paragraph 43, Defendant responds that “[s]eventy-seven of  
2 the ninety-seven advertisements reviewed” and “equivalent anti-theft technology” are  
3 vague and ambiguous, and denies the allegations on that basis. Answering further, to  
4 the extent Plaintiff’s allegations rely on the documents listed in Exhibits A, B, and C,  
5 which are cited in footnote 21 of the SAC, the documents speak for themselves.  
6 Answering further, Defendant denies Plaintiff’s characterization of the facts in this  
7 Paragraph. All allegations in this Paragraph not specifically admitted are denied.

8       44. Answering Paragraph 44, Defendant responds that “eleven of the twenty  
9 instances,” “small print,” “luxury optional packages,” “limited boilerplate  
10 disclosures,” “clear and conspicuous,” “other equivalent anti-theft technology,” and  
11 “Defective Vehicles” are vague and ambiguous, and denies the allegations on that  
12 basis. Answering further, to the extent Plaintiff’s allegations rely on the documents  
13 listed in Exhibit B, which is cited in footnote 22 of the SAC, the documents speak for  
14 themselves. Answering further, Defendant states that this Paragraph contains a legal  
15 conclusion to which no response is required. To the extent a response is required,  
16 Defendant denies the allegations. Answering further, Defendant denies Plaintiff’s  
17 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
18 specifically admitted are denied.

19       45. Answering Paragraph 45, Defendant responds that “[o]ut of the ninety-  
20 seven advertisements reviewed, only nine” “standard feature,” “some models” are  
21 vague and ambiguous, and denies the allegations on that basis. Answering further, to  
22 the extent Plaintiff’s allegations rely on the documents listed in Exhibits A and C, the  
23 documents speak for themselves. Answering further, Defendant denies Plaintiff’s  
24 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
25 specifically admitted are denied.

26       46. Answering Paragraph 46, Defendant responds that “more advertisements  
27 and marketing materials,” “Defective Vehicles,” and “substantially similar  
28 misrepresentations and omissions” are vague and ambiguous, and denies the

1 allegations on that basis. Answering further, Defendant states that this Paragraph  
2 contains a legal conclusion to which no response is required. To the extent a response  
3 is required, Defendant denies the allegations. Answering further, Defendant is  
4 without knowledge or information sufficient to form a belief as to the truth or falsity  
5 of the remaining allegations in this Paragraph and therefore denies them. All  
6 allegations in this Paragraph not specifically admitted are denied.

7       47. Answering Paragraph 47, Defendant responds that it is without  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the  
9 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
10 responds that “foregoing misrepresentations and material omissions,” “Defective  
11 Vehicles’,” “industry standard,” “equivalent anti-theft technology,” “substantial  
12 number of advertising and marketing materials” are vague and ambiguous, and denies  
13 the allegations on that basis. Answering further, Defendant states that this Paragraph  
14 contains legal conclusions to which no response is required. To the extent a response  
15 is required, Defendant denies the allegations. Answering further, Defendant denies  
16 Plaintiff’s characterization of the facts in this Paragraph. All allegations in this  
17 Paragraph not specifically admitted are denied.

18       48. Answering Paragraph 48, Defendant responds that it is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the  
20 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
21 responds that “foregoing misrepresentations and material omissions,” “Defective  
22 Vehicles’,” “industry-standard,” “equivalent anti-theft technology” “substantial  
23 number of advertising and marketing materials,” “materials discussed above,” “print  
24 advertising,” “video advertisements,” “materials made available to consumers at  
25 dealerships,” “such information,” “sales documents,” “displays,” “advertisements,”  
26 “warranties,” “owner’s manuals,” “almost all,” “limited instances,” “majority,” “clear  
27 and conspicuous disclosures,” and “standard equipment” are vague and ambiguous,  
28 and denies the allegations on that basis. Answering further, Defendant states that this

1 Paragraph contains legal conclusions to which no response is required. To the extent  
2 a response is required, Defendant denies the allegations. Answering further,  
3 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All  
4 allegations in this Paragraph not specifically admitted are denied.

5       49. Answering Paragraph 49, Defendant responds that it is without  
6 knowledge or information sufficient to form a belief as to the truth or falsity of the  
7 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
8 responds that "clearly and conspicuously disclosed," "this information," "foregoing  
9 materials," and "chose" are vague and ambiguous, and denies the allegations on that  
10 basis. Answering further, Defendant states that this Paragraph contains legal  
11 conclusions to which no response is required. To the extent a response is required,  
12 Defendant denies the allegations. Answering further, Defendant denies Plaintiff's  
13 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
14 specifically admitted are denied.

15       50. Answering Paragraph 50, Defendant responds that it is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the  
17 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
18 responds that "Defective Vehicles," "measurably," "safe," "more susceptible to  
19 theft," "almost every other vehicle on the market," "equivalent anti-theft technology,"  
20 "almost all," "advertisements and marketing materials," "touting," "those vehicles,"  
21 "more advanced technology and safety features," "other vehicles," "their class," "few  
22 instances," "advertisements," "majority," "clear and conspicuous disclosures," and  
23 "standard equipment" are vague and ambiguous, and denies the allegations on that  
24 basis. Answering further, Defendant is without knowledge or information sufficient  
25 to form a belief as to the truth or falsity of the remaining allegations in this Paragraph  
26 and therefore denies them. Answering further, Defendant denies Plaintiff's  
27 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
28 specifically admitted are denied.

1       51. Answering Paragraph 51, Defendant responds that it is without  
2 knowledge or information sufficient to form a belief as to the truth or falsity of the  
3 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
4 responds that “obfuscated,” “information,” “industry-standard,” “equivalent anti-theft  
5 technology,” “Defective Vehicles,” “deceptive advertising materials,” “misleading  
6 statements and omissions,” “deceptive advertising,” and “harms” are vague and  
7 ambiguous, and denies the allegations on that basis. Answering further, Defendant  
8 states that this Paragraph contains legal conclusions to which no response is required.  
9 To the extent a response is required, Defendant denies the allegations. Answering  
10 further, Defendant denies that it sells vehicles to Chicago consumers. Answering  
11 further, Defendant is without knowledge or information sufficient to form a belief as  
12 to the truth or falsity of the remaining allegations in this Paragraph and therefore  
13 denies them. Answering further, Defendant denies Plaintiff’s characterization of the  
14 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are  
15 denied.

16       52. Answering Paragraph 52, Defendant responds that it is without  
17 knowledge or information sufficient to form a belief as to the truth or falsity of the  
18 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
19 responds that “clearly and conspicuously disclose,” “this information,” “statements,”  
20 “Defective Vehicles,” “more advanced technology and safety features,” “other  
21 vehicles,” “their class,” “half-truths,” “in a material respect,” “clear and conspicuous  
22 disclosure,” “representations,” “advanced technology and safety features,” and “anti-  
23 theft technology” are vague and ambiguous, and denies the allegations on that basis.  
24 Answering further, Defendant states that this Paragraph contains legal conclusions to  
25 which no response is required. To the extent a response is required, Defendant denies  
26 the allegations. Answering further, Defendant is without knowledge or information  
27 sufficient to form a belief as to the truth or falsity of the remaining allegations in this  
28 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff’s

1 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
2 specifically admitted are denied.

3       53. Answering Paragraph 53, Defendant responds that it is without  
4 knowledge or information sufficient to form a belief as to the truth or falsity of the  
5 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
6 responds that “Defective Vehicles,” “technology,” “demonstrably easier,” “other  
7 vehicles on the market,” “clearly and conspicuously disclose,” and “material  
8 omission” are vague and ambiguous, and denies the allegations on that basis.  
9 Answering further, Defendant states that this Paragraph contains legal conclusions to  
10 which no response is required. To the extent a response is required, Defendant denies  
11 the allegations. Answering further, Defendant is without knowledge or information  
12 sufficient to form a belief as to the truth or falsity of the remaining allegations in this  
13 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff’s  
14 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
15 specifically admitted are denied.

16       54. Answering Paragraph 54, Defendant responds that it is without  
17 knowledge or information sufficient to form a belief as to the truth or falsity of the  
18 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
19 responds that “material information,” “half-truths,” “Defective Vehicles’,” “advanced  
20 technology and safety features,” “express clear and conspicuous disclosure,”  
21 “advertisements and marketing materials,” “more susceptible,” and “other vehicles  
22 on the market” are vague and ambiguous, and denies the allegations on that basis.  
23 Answering further, Defendant is without knowledge or information sufficient to form  
24 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
25 therefore denies them. Answering further, Defendant denies Plaintiff’s  
26 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
27 specifically admitted are denied.

28

1       55. Answering Paragraph 55, Defendant responds that it is without  
2 knowledge or information sufficient to form a belief as to the truth or falsity of the  
3 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
4 responds that “[t]housands,” “Defective Vehicles,” “many,” “deceptive  
5 advertisements,” “widely disseminated,” “substantial costs,” “[m]any consumers,”  
6 and “equivalent anti-theft technology” are vague and ambiguous and denies the  
7 allegations on that basis. Answering further, Defendant denies that it sold vehicles to  
8 Chicago consumers. Answering further, Defendant states that this Paragraph contains  
9 legal conclusions to which no response is required. To the extent a response is  
10 required, Defendant denies the allegations. Answering further, Defendant is without  
11 knowledge or information sufficient to form a belief as to the truth or falsity of the  
12 remaining allegations in this Paragraph and therefore denies them. All allegations in  
13 this Paragraph not specifically admitted are denied.

14       56. Answering Paragraph 56, Defendant responds that it is without  
15 knowledge or information sufficient to form a belief as to the truth or falsity of the  
16 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
17 responds that “substantial number,” “substantial injury,” “industry standard,”  
18 “equivalent anti-theft technology,” “Defective Vehicles,” “information necessary,”  
19 “meaningfully choose,” “most instances,” “others,” “clearly and conspicuously  
20 disclose,” and “critical information” are vague and ambiguous, and denies the  
21 allegations on that basis. Answering further, Defendant is without knowledge or  
22 information sufficient to form a belief as to the truth or falsity of the remaining  
23 allegations in this Paragraph and therefore denies them. All allegations in this  
24 Paragraph not specifically admitted are denied.

25       57. Answering Paragraph 57, Defendant responds that “hardships” and  
26 “deceptive and unfair trade practices” are vague and ambiguous, and denies the  
27 allegations on that basis. Answering further, Defendant states that this Paragraph  
28 contains legal conclusions to which no response is required. To the extent a response

1 is required, Defendant denies the allegations. Answering further, Defendant is  
2 without knowledge or information sufficient to form a belief as to the truth or falsity  
3 of the remaining allegations in this Paragraph and therefore denies them. All  
4 allegations in this Paragraph not specifically admitted are denied.

5       58. Answering Paragraph 58, Defendant is without knowledge or  
6 information sufficient to form a belief as to the truth or falsity of the allegations in  
7 this Paragraph and therefore denies them. All allegations in this Paragraph not  
8 specifically admitted are denied.

9       59. Answering Paragraph 59, Defendant is without knowledge or  
10 information sufficient to form a belief as to the truth or falsity of the allegations in  
11 this Paragraph and therefore denies them. All allegations in this Paragraph not  
12 specifically admitted are denied.

13       60. Answering Paragraph 60, Defendant is without knowledge or  
14 information sufficient to form a belief as to the truth or falsity of the allegations in  
15 this Paragraph and therefore denies them. Answering further, to the extent Plaintiff's  
16 allegations rely on the document cited in footnote 24 of the SAC, the document speaks  
17 for itself. All allegations in this Paragraph not specifically admitted are denied.

18       61. Answering Paragraph 61, Defendant responds that "hardships" and  
19 "theft crisis" are vague and ambiguous, and denies the allegations on that basis.  
20 Answering further, Defendant is without knowledge or information sufficient to form  
21 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
22 therefore denies them. All allegations in this Paragraph not specifically admitted are  
23 denied.

24       62. Answering Paragraph 62, Defendant responds that "[s]ome," "Defective  
25 Vehicles," "demonstrably easier," "almost all other vehicles on the market," "costs,"  
26 "theft crisis," and "reasonably related," "deceptive and unfair advertising" are vague  
27 and ambiguous, and denies the allegations on that basis. Answering further,  
28 Defendant states that this Paragraph contains legal conclusions to which no response

1 is required. To the extent a response is required, Defendant denies the allegations.  
2 Answering further, Answering further, Defendant is without knowledge or  
3 information sufficient to form a belief as to the truth or falsity of the remaining  
4 allegations in this Paragraph and therefore denies them. All allegations in this  
5 Paragraph not specifically admitted are denied.

6 **D. Kia's and Hyundai's Failure to Include Engine Immobilizers or  
7 Equivalent Technology in the Defective Vehicles Caused a Theft  
Crisis in Chicago.**

8 63. Answering Paragraph 63, Defendant responds that "thousands,"  
9 "equivalent anti-theft technology," "defect," "all-too-predictable," "Defective  
10 Vehicles," and "skyrocketed" are vague and ambiguous, and denies the allegations on  
11 that basis. Answering further, Defendant is without knowledge or information  
12 sufficient to form a belief as to the truth or falsity of the remaining allegations in this  
13 Paragraph and therefore denies them. All allegations in this Paragraph not specifically  
14 admitted are denied.

15 64. Answering Paragraph 64, Defendant responds that "exploded," "summer  
16 of 2022," "easy," "equivalent anti-theft technology," "Defective Vehicles,"  
17 "equivalent anti-theft technology," "viral," "wave," "other criminal behavior,"  
18 "almost half," and "many cities" are vague and ambiguous, and denies the allegations  
19 on that basis. Answering further, Defendant admits that videos were posted online  
20 depicting thefts of Hyundai- and Kia-branded vehicles, and that in some instances the  
21 individuals posting such videos identified themselves as part of the "Kia Boyz,"  
22 however, Defendant is without knowledge or information sufficient to form a belief  
23 as to when such videos were first posted online, and therefore denies the allegation  
24 on that basis. Defendant further admits that some videos posted online depicted the  
25 removal of the plastic cowl under a steering column and use of a USB connector.  
26 Answering further, Defendant is without knowledge or information sufficient to form  
27 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
28

1 therefore denies them. All allegations in this Paragraph not specifically admitted are  
2 denied.

3       65. Answering Paragraph 65, Defendant responds that “theft crisis” and  
4 “particularly hard” is vague and ambiguous and denies the allegations on that basis.  
5 Answering further, to the extent Plaintiff’s allegations rely on the document cited in  
6 footnote 25 of the SAC, the document speaks for itself. Answering further, Defendant  
7 is without knowledge or information sufficient to form a belief as to the truth or falsity  
8 of the remaining allegations in this Paragraph and therefore denies them. All  
9 allegations in this Paragraph not specifically admitted are denied.

10      66. Answering Paragraph 66, Defendant responds that “largely attributable,”  
11 “massive surge,” and “skyrocketed” are vague and ambiguous, and denies the  
12 allegations on that basis. Answering further, to the extent Plaintiff’s allegations,  
13 including the figures below Paragraph 66, rely on the document cited in footnotes 26  
14 and 27 of the SAC, the document speaks for itself. Answering further, Defendant is  
15 without knowledge or information sufficient to form a belief as to the truth or falsity  
16 of the remaining allegations in this Paragraph and therefore denies them. All  
17 allegations in this Paragraph not specifically admitted are denied.

18      67. Answering Paragraph 67, to the extent Plaintiff’s allegations, including  
19 the figure below Paragraph 67, rely on the document cited in footnote 28 of the SAC,  
20 the document speaks for itself. Answering further, Defendant is without knowledge  
21 or information sufficient to form a belief as to the truth or falsity of the allegations in  
22 this Paragraph and therefore denies them. All allegations in this Paragraph not  
23 specifically admitted are denied.

24      68. Answering Paragraph 68, Defendant responds that “signs” and  
25 “slowing” are vague and ambiguous and denies the allegations on that basis.  
26 Answering further, Defendant is without knowledge or information sufficient to form  
27 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
28

1 therefore denies them. All allegations in this Paragraph not specifically admitted are  
2 denied.

3       69. Answering Paragraph 69, Defendant is without knowledge or  
4 information sufficient to form a belief as to the truth or falsity of the allegations in  
5 this Paragraph and therefore denies them. All allegations in this Paragraph not  
6 specifically admitted are denied.

7       70. Answering Paragraph 70, Defendant responds that “crimes,” “these  
8 motor vehicles,” “further criminal misconduct,” and “public safety issues” are vague  
9 and ambiguous and denies the allegations on that basis. Answering further, Defendant  
10 is without knowledge or information sufficient to form a belief as to the truth or falsity  
11 of the remaining allegations in this Paragraph and therefore denies them. All  
12 allegations in this Paragraph not specifically admitted are denied.

13           **E. Defendants’ Failure to Include Engine Immobilizers or Equivalent  
14           Anti-Theft Technology Has Disproportionately Impacted Low-  
Income Chicago Residents.**

15       71. Answering Paragraph 71, Defendant responds that “deeply,”  
16 “impacted,” “theft crisis,” “Defective Vehicles,” “financial harm,” “damaged,”  
17 “vandalized,” “frustration,” “significant,” “costs,” “impacts,” “lucky enough,”  
18 “ransacked,” and “damaged” are vague and ambiguous, and denies the allegations on  
19 that basis. Answering further, to the extent Plaintiff’s allegations rely on the  
20 document cited in footnote 29 of the SAC, the document speaks for itself. Answering  
21 further, Defendant is without knowledge or information sufficient to form a belief as  
22 to the truth or falsity of the remaining allegations in this Paragraph and therefore  
23 denies them. All allegations in this Paragraph not specifically admitted are denied.

24       72. Answering Paragraph 72, Defendant responds that it is without  
25 knowledge or information sufficient to form a belief as to the truth or falsity of the  
26 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
27 responds that “trashed,” and “springtime” are vague and ambiguous, and denies the  
28 allegations on that basis. Answering further, to the extent Plaintiff’s allegations rely

1 on the document cited in footnote 30 of the SAC, the document speaks for itself.  
2 Answering further, Defendant is without knowledge or information sufficient to form  
3 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
4 therefore denies them. All allegations in this Paragraph not specifically admitted are  
5 denied.

6       73. Answering Paragraph 73, Defendant responds that “Defective Vehicles,”  
7 “entry-level,” “relatively low priced,” “impact,” “surge,” “disproportionately,”  
8 “moderate and low means,” “hardest,” “hit,” “resources,” and “worse” are vague and  
9 ambiguous, and denies the allegations on that basis. Answering further, Defendant  
10 states that this Paragraph contains legal conclusions to which no response is required.  
11 To the extent a response is required, Defendant denies the allegations. Answering  
12 further, Defendant is without knowledge or information sufficient to form a belief as  
13 to the truth or falsity of the remaining allegations in this Paragraph and therefore  
14 denies them. All allegations in this Paragraph not specifically admitted are denied.

15       74. Answering Paragraph 74, Defendant responds that “costs,” “other  
16 damage,” and “replacement parts” are vague and ambiguous and denies the  
17 allegations on that basis. Answering further, Defendant is without knowledge or  
18 information sufficient to form a belief as to the truth or falsity of the remaining  
19 allegations in this Paragraph and therefore denies them. All allegations in this  
20 Paragraph not specifically admitted are denied.

21       75. Answering Paragraph 75, Defendant responds that “Defective Vehicles,”  
22 “lucky enough,” “suffering,” “theft crisis,” “most susceptible,” and “if not more” are  
23 vague and ambiguous and denies the allegations on that basis. Answering further,  
24 Defendant admits that some insurance companies refused to write policies for certain  
25 Hyundai models in certain locales. Answering further, Defendant is without  
26 knowledge or information sufficient to form a belief as to the truth or falsity of the  
27 remaining allegations in this Paragraph and therefore denies them. Answering further,  
28

1 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All  
2 allegations in this Paragraph not specifically admitted are denied.

3       76. Answering Paragraph 76, Defendant responds that it is without  
4 knowledge or information sufficient to form a belief as to the truth or falsity of the  
5 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
6 responds that "Defective Vehicles," "more advanced technology and safety features,"  
7 "comparable vehicles," "industry-standard anti-theft equipment," "more susceptible,"  
8 "every reason to know," "easily stolen," "equivalent anti-theft technology," "majority  
9 of their advertising and marketing materials," "misrepresentations," "omissions,"  
10 "thousands," "most vulnerable," "unsafe," and "some cases" are vague and  
11 ambiguous and denies the allegations on that basis. Answering further, Defendant  
12 admits that it marketed Hyundai-branded vehicles in the United States. Answering  
13 further, Defendant is without knowledge or information sufficient to form a belief as  
14 to the truth or falsity of the allegations relating to vehicles from other companies, and  
15 therefore denies the allegations. Answering further, Defendant is without knowledge  
16 or information sufficient to form a belief as to the truth or falsity of the remaining  
17 allegations in this Paragraph and therefore denies them. All allegations in this  
18 Paragraph not specifically admitted are denied.

19           **F. Defendants' Failure to Include Immobilizers or Equivalent  
20 Technology Drains the City's Law Enforcement and Emergency  
Response Resources and Imperils Public Safety.**

21       77. Answering Paragraph 77, Defendant responds that "harms" "just the  
22 beginning," "significant impacts," and "public safety" are vague and ambiguous and  
23 denies the allegations on that basis. Answering further, Defendant admits that the  
24 National Traffic and Motor Vehicle Safety Act was promulgated in 1971. Answering  
25 further, Defendant admits that the National Highway Traffic Safety Administration  
26 has promulgated numerous Federal Motor Vehicle Safety Standards ("FMVSS"),  
27 including FMVSS 114. Answering further, Defendant responds that the text of  
28 FMVSS 114 speaks for itself. Answering further, to the extent Plaintiff's allegations

1 rely on the document cited in footnote 31, the document speaks for itself. Answering  
2 further, Defendant is without knowledge or information sufficient to form a belief as  
3 to the truth or falsity of the remaining allegations in this Paragraph and therefore  
4 denies them. All allegations in this Paragraph not specifically admitted are denied.

5       78. Answering Paragraph 78, Defendant responds that the text of FMVSS  
6 114 speaks for itself. Answering further, Defendant states that this Paragraph contains  
7 legal conclusions to which no response is required. To the extent a response is  
8 required, Defendant denies the allegations. Answering further, Defendant is without  
9 knowledge or information sufficient to form a belief as to the truth or falsity of the  
10 remaining allegations in this Paragraph and therefore denies them. All allegations in  
11 this Paragraph not specifically admitted are denied.

12       79. Answering Paragraph 79, Defendant responds that “reverse,”  
13 “substantial,” “public safety,” “risk,” “lawful users,” “public thoroughfare,”  
14 “unfortunate enough,” “cross paths,” “commonly,” and “further crimes” are vague  
15 and ambiguous, and denies the allegations on that basis. Answering further,  
16 Defendant is without knowledge or information sufficient to form a belief as to the  
17 truth or falsity of the remaining allegations in this Paragraph and therefore denies  
18 them. Answering further, Defendant denies Plaintiff’s characterization of the facts in  
19 this Paragraph. All allegations in this Paragraph not specifically admitted are denied.

20       80. Answering Paragraph 80, Defendant responds that it is without  
21 knowledge or information sufficient to form a belief as to the truth or falsity of the  
22 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
23 responds that “risks,” “heightened,” “new wave,” “joyriding,” “other crimes,”  
24 “associated videos,” “busy hours,” “congested,” “higher likelihood” and “injury” are  
25 vague and ambiguous and denies the allegation on that basis. Answering further,  
26 Defendant admits that videos were posted online depicting thefts of Hyundai-brand  
27 vehicles. Answering further, Defendant is without knowledge or information  
28 sufficient to form a belief as to the truth or falsity of the remaining allegations in this

1 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's  
2 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
3 specifically admitted are denied.

4       81. Answering Paragraph 81, Defendant responds that "risks," "far from  
5 hypothetical," "social media trend," "injured," "Defective Vehicles," and "violence"  
6 are vague and ambiguous and denies the allegation on that basis. Answering further,  
7 to the extent Plaintiff's allegations rely on the documents cited in footnotes 34, 35,  
8 and 36 of the SAC, that documents speaks for themselves. Answering further,  
9 Defendant is without knowledge or information sufficient to form a belief as to the  
10 truth or falsity of the remaining allegations in this Paragraph and therefore denies  
11 them. Answering further, Defendant denies Plaintiff's characterization of the facts in  
12 this Paragraph. All allegations in this Paragraph not specifically admitted are denied.

13       82. Answering Paragraph 82, Defendant responds that "hit," "hardest," and  
14 "violence" are vague and ambiguous, and denies the allegation on that basis.  
15 Answering further, Defendant is without knowledge or information sufficient to form  
16 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
17 therefore denies them. Answering further, Defendant denies Plaintiff's  
18 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
19 specifically admitted are denied.

20       83. Answering Paragraph 83, Defendant responds that "series" and "crimes"  
21 are vague and ambiguous and denies the allegation on that basis. Answering further,  
22 to the extent Plaintiff's allegations rely on the document cited in footnote 37 of the  
23 SAC, the document speaks for itself. Answering further, Defendant is without  
24 knowledge or information sufficient to form a belief as to the truth or falsity of the  
25 remaining allegations in this Paragraph and therefore denies them. Answering further,  
26 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All  
27 allegations in this Paragraph not specifically admitted are denied.

28

1       84. Answering Paragraph 84, to the extent Plaintiff's allegations rely on the  
2 documents cited in footnote 38 of the SAC, the document speaks for itself.  
3 Answering further, Defendant is without knowledge or information sufficient to form  
4 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
5 therefore denies them. Answering further, Defendant denies Plaintiff's  
6 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
7 specifically admitted are denied.

8       85. Answering Paragraph 85, to the extent Plaintiff's allegations rely on the  
9 document cited in footnote 39 of the SAC, the document speaks for itself. Answering  
10 further, Defendant is without knowledge or information sufficient to form a belief as  
11 to the truth or falsity of the remaining allegations in this Paragraph and therefore  
12 denies them. Answering further, Defendant denies Plaintiff's characterization of the  
13 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are  
14 denied.

15       86. Answering Paragraph 86, to the extent Plaintiff's allegations rely on the  
16 documents cited in footnote 40 of the SAC, the document speaks for itself. Answering  
17 further, Defendant is without knowledge or information sufficient to form a belief as  
18 to the truth or falsity of the remaining allegations in this Paragraph and therefore  
19 denies them. Answering further, Defendant denies Plaintiff's characterization of the  
20 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are  
21 denied.

22       87. Answering Paragraph 87, to the extent Plaintiff's allegations rely on the  
23 documents cited in footnote 41 of the SAC, the document speaks for itself. Answering  
24 further, Defendant is without knowledge or information sufficient to form a belief as  
25 to the truth or falsity of the remaining allegations in this Paragraph and therefore  
26 denies them. Answering further, Defendant denies Plaintiff's characterization of the  
27 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are  
28 denied.

1       88. Answering Paragraph 88, Defendant responds that “theft crisis,”  
2 “translated,” “heightened demands,” “public safety resources,” “related crimes,”  
3 “property damage,” “injuries to the public,” “resources,” “public awareness  
4 outreach,” “costs,” and “increased rates” are vague and ambiguous, and denies the  
5 allegations on that basis. Answering further, Defendant is without knowledge or  
6 information sufficient to form a belief as to the truth or falsity of the remaining  
7 allegations in this Paragraph and therefore denies them. Answering further,  
8 Defendant denies Plaintiff’s characterization of the facts in this Paragraph. All  
9 allegations in this Paragraph not specifically admitted are denied.

10      89. Answering Paragraph 89, Defendant responds that “these stolen cars,”  
11 “continually,” “alarming rate,” “violent crimes,” “resources,” “theft prevention  
12 education and devices,” “Defective Vehicles,” and “recovery efforts” are vague and  
13 ambiguous, and denies the allegations on that basis. Answering further, Defendant is  
14 without knowledge or information sufficient to form a belief as to the truth or falsity  
15 of the remaining allegations in this Paragraph and therefore denies them. Answering  
16 further, Defendant denies Plaintiff’s characterization of the facts in this Paragraph.  
17 All allegations in this Paragraph not specifically admitted are denied.

18      90. Answering Paragraph 90, Defendant responds that it is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the  
20 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
21 responds that “best efforts,” “theft crisis,” “costs,” “same investment,” “other  
22 manufacturers,” “same one,” “overseas markets,” “equivalent anti-theft technology,”  
23 “standard equipment,” and “Defective Vehicles” are vague and ambiguous, and  
24 denies the allegations on that basis. Answering further, Defendant denies the  
25 existence of a public nuisance and also denies that it created a public nuisance.  
26 Answering further, Defendant states that this Paragraph contains legal conclusions to  
27 which no response is required. To the extent a response is required, Defendant denies  
28 the allegations. Answering further, Defendant is without knowledge or information

1 sufficient to form a belief as to the truth or falsity of the remaining allegations in this  
2 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's  
3 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
4 specifically admitted are denied.

5                   **G. Defendants' Response to the Theft Crisis Has Been Woefully  
6 Inadequate.**

7                 91. Answering Paragraph 91, Defendant responds that it is without  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the  
9 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
10 responds that "response," "crisis," "prioritization of profits over safety," and  
11 "equivalent anti-theft technology" are vague and ambiguous, and denies the allegation  
12 on that basis. Answering further, Defendant admits that it has rolled out a software  
13 update for some vehicles without engine immobilizers. Answering further, Defendant  
14 admits that it has not initiated a recall of vehicles without engine immobilizers.  
15 Answering further, Defendant is without knowledge or information sufficient to form  
16 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
17 therefore denies them. Answering further, Defendant denies Plaintiff's  
18 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
19 specifically admitted are denied.

20                 92. Answering Paragraph 92, Defendant responds that it is without  
21 knowledge or information sufficient to form a belief as to the truth or falsity of the  
22 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
23 responds that "timely" is vague and ambiguous, and denies the allegations on that  
24 basis. Answering further, Defendant responds that the allegations are vague as to  
25 geographic location and recipient and therefore denies them. Answering further,  
26 Defendant admits that the Chicago Police Department asked it to provide steering  
27 wheel locks. Answering further, Defendant is without knowledge or information  
28 sufficient to form a belief as to the truth or falsity of the remaining allegations in this

1 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's  
2 characterization of the facts in this Paragraph. Answering further, Defendant denies  
3 Plaintiff's characterization of the facts in this Paragraph. All allegations in this  
4 Paragraph not specifically admitted are denied.

5       93. Answering Paragraph 93, Defendant responds that it is without  
6 knowledge or information sufficient to form a belief as to the truth or falsity of the  
7 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
8 responds that "ongoing public safety crisis," "Defective Vehicles," "software fix,"  
9 "remediate," "stymy," and "spree" are vague and ambiguous, and denies the  
10 allegations on that basis. Answering further, Defendant admits that HMA received a  
11 letter dated January 23, 2023 purporting to have been sent by Chicago's Police  
12 Superintendent. Answering further, to the extent Plaintiff's allegations rely on the  
13 January 23, 2023 letter, the letter speaks for itself. Answering further, Defendant  
14 denies Plaintiff's characterization of the facts in this Paragraph. All allegations in this  
15 Paragraph not specifically admitted are denied.

16       94. Answering Paragraph 94, Defendant responds that it is without  
17 knowledge or information sufficient to form a belief as to the truth or falsity of the  
18 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
19 responds that "band-aid solutions," "too little," "too late," "update," and "to work"  
20 are vague and ambiguous, and denies the allegations on that basis. All allegations in  
21 this Paragraph not specifically admitted are denied.

22       95. Answering Paragraph 95, Defendant responds that it is without  
23 knowledge or information sufficient to form a belief as to the truth or falsity of the  
24 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
25 responds that "efficacy," "untested in the real world" and "similar experience" are  
26 vague and ambiguous, and denies the allegation on that basis. Answering further, to  
27 the extent Plaintiff's allegations rely on the documents cited in footnotes 42 and 43  
28 of the SAC, the documents speak for themselves. Answering further, Defendant

1 denies it has verified any report of a vehicle with the appropriate software upgrade  
2 installed and operating as designed being stolen in the manner the upgrade was  
3 designed to address. Answering further, Defendant responds that it is without  
4 knowledge or information sufficient to form a belief as to the truth or falsity of the  
5 remaining allegations in this Paragraph and therefore denies them. Answering further,  
6 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All  
7 allegations in this Paragraph not specifically admitted are denied.

8       96. Answering Paragraph 96, Defendant responds that it is without  
9 knowledge or information sufficient to form a belief as to the truth or falsity of the  
10 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
11 responds that "eligible vehicles" is vague and ambiguous and denies the allegations  
12 on that basis. Answering further, Defendant admits that as of July 2023, not all  
13 eligible Hyundai-branded vehicles without engine immobilizers had received the  
14 software update. Answering further, Defendant is without knowledge or information  
15 sufficient to form a belief as to the truth or falsity of the remaining allegations in this  
16 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's  
17 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
18 specifically admitted are denied.

19       97. Answering Paragraph 97, Defendant responds that it is without  
20 knowledge or information sufficient to form a belief as to the truth or falsity of the  
21 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
22 responds that "effective," "Defective Vehicles," "expenses," "sufficiently slowing,"  
23 "harm," "equivalent anti-theft technology," and "standard equipment" are vague and  
24 ambiguous, and denies the allegations on that basis. Answering further, Defendant  
25 denies that there exists a public nuisance and also denies that it created a public  
26 nuisance. Answering further, Defendant states that this Paragraph contains legal  
27 conclusions to which no response is required. To the extent a response is required,  
28

1 Defendant denies the allegations. All allegations in this Paragraph not specifically  
2 admitted are denied.

3       98. Answering Paragraph 98, Defendant responds that it is without  
4 knowledge or information sufficient to form a belief as to the truth or falsity of the  
5 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
6 responds that “profits over safety,” “efficacy,” “usability,” “passed safety costs on to  
7 Chicago,” “resources,” “responding to thefts and associated crimes,” “educating the  
8 community,” and Defective Vehicles” are vague and ambiguous, and denies the  
9 allegations on that basis. Answering further, Defendant states that this Paragraph  
10 contains legal conclusions to which no response is required. To the extent a response  
11 is required, Defendant denies the allegations. Answering further, Defendant denies  
12 Plaintiff’s characterization of the facts in this Paragraph. All allegations in this  
13 Paragraph not specifically admitted are denied.

14       99. Answering Paragraph 99, Defendant responds that it is without  
15 knowledge or information sufficient to form a belief as to the truth or falsity of the  
16 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
17 responds that “theft crisis,” “take advantage,” “crisis,” “equivalent anti-theft  
18 technology,” “industry standard,” “Defective Vehicles” “aggressive action,” “turn  
19 greater profits,” “correct,” and “problem” are vague and ambiguous, and denies the  
20 allegations on that basis. Answering further, Defendant admits that it has not  
21 implemented a recall, but denies the characterization that a recall was mandatory.  
22 Answering further, Defendant denies that it could have implemented a mandatory  
23 recall. Answering further, Defendant denies that it sold security kits for \$170.  
24 Answering further, Defendant is without knowledge or information sufficient to form  
25 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
26 therefore denies them. All allegations in this Paragraph not specifically admitted are  
27 denied.

28

**FIRST CAUSE OF ACTION**  
**Violation of MCC 4-276-470**  
**Deceptive Trade Practices**

100. Answering Paragraph 100, Defendant admits that Plaintiff purports to  
incorporate the preceding paragraphs. All allegations in this Paragraph not  
specifically admitted are denied.

7       101. Answering Paragraph 101, Defendant responds that it is without  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the  
9 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
10 responds that “acts,” “practices,” and “deceptive business practices” are vague and  
11 ambiguous, and denies the allegations on that basis. Answering further, Defendant  
12 states that this Paragraph contains a legal conclusion to which no response is required.  
13 To the extent a response is required, Defendant denies the allegations. All allegations  
14 in this Paragraph not specifically admitted are denied.

15       102. Answering Paragraph 102, to the extent Plaintiff's allegations rely on the  
16 Municipal Code of Chicago, the Municipal Code of Chicago speaks for itself. All  
17 allegations in this Paragraph not specifically admitted are denied.

18        103. Answering Paragraph 103, Defendant responds that it is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the  
20 allegations relating to Kia, and therefore denies them. Answering further, to the  
21 extent Plaintiff's allegations rely on the Municipal Code of Chicago, the Municipal  
22 Code of Chicago speaks for itself. Answering further, Defendant states that this  
23 Paragraph contains legal conclusions to which no response is required. To the extent  
24 a response is required, Defendant denies the allegations. All allegations in this  
25 Paragraph not specifically admitted are denied.

26       104. Answering Paragraph 104, Defendant responds that it is without  
27 knowledge or information sufficient to form a belief as to the truth or falsity of the  
28 allegations relating to Kia, and therefore denies them. Answering further, Defendant

1 responds that “trade and commerce,” “Defective Vehicles,” “thousands,” “substantial  
2 number,” “deceptive advertisements,” and “that information” are vague and  
3 ambiguous, and denies the allegations on that basis. Answering further, Defendant  
4 denies that it engaged in deceptive conduct. Answering further, Defendant admits  
5 that some Chicago consumers may have purchased Hyundai-branded vehicles from  
6 dealerships in Chicago. Answering further, Defendant responds that it is without  
7 knowledge or information sufficient to form a belief as to the truth or falsity of the  
8 allegations relating to what Chicago consumers saw or considered before or when  
9 deciding to purchase a vehicle, and therefore denies them. Answering further,  
10 Defendant states that this Paragraph contains a legal conclusion to which no response  
11 is required. To the extent a response is required, Defendant denies the allegations.  
12 Answering further, Defendant denies Plaintiff’s characterization of the facts in this  
13 Paragraph. All allegations in this Paragraph not specifically admitted are denied.

14       105. Answering Paragraph 105, Defendant responds that it is without  
15 knowledge or information sufficient to form a belief as to the truth or falsity of the  
16 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
17 responds that “deceptive trade practices,” “Defective Vehicles,” “more advanced  
18 technology and safety features,” “comparable vehicles,” “clearly and conspicuously  
19 disclose,” “equivalent anti-theft technology,” “the foregoing misrepresentations and  
20 omissions,” and “advertising” are vague and ambiguous, and denies the allegations  
21 on that basis. Answering further, Defendant denies that it engaged in deceptive trade  
22 practices and also denies that it misrepresented and/or intentionally misrepresented  
23 information about Hyundai-branded vehicles. Answering further, Defendant is  
24 without knowledge or information sufficient to form a belief as to the truth or falsity  
25 of the allegations relating to vehicles from other companies, and therefore denies  
26 them. Answering further, Defendant states that this Paragraph contains a legal  
27 conclusion to which no response is required. To the extent a response is required,  
28 Defendant denies the allegations. Answering further, Defendant denies Plaintiff’s

1 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
2 specifically admitted are denied.

3       106. Answering Paragraph 106, Defendant responds that it is without  
4 knowledge or information sufficient to form a belief as to the truth or falsity of the  
5 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
6 responds that “omission and/or obfuscation,” “industry-standard anti-theft  
7 technology,” “material,” “this information,” “Defective Vehicles,” and “acted  
8 differently” are vague and ambiguous, and denies the allegations on that basis.  
9 Answering further, Defendant states that this Paragraph contains legal conclusions to  
10 which no response is required. To the extent a response is required, Defendant denies  
11 the allegations. Answering further, Defendant is without knowledge or information  
12 sufficient to form a belief as to the truth or falsity of the remaining allegations in this  
13 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff’s  
14 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
15 specifically admitted are denied.

16       107. Answering Paragraph 107, Defendant responds that it is without  
17 knowledge or information sufficient to form a belief as to the truth or falsity of the  
18 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
19 responds that “placed profits ahead of the health and safety of others,” “concealing,”  
20 “material facts,” “Defective Vehicles’,” “equivalent technology,” and “ease” are  
21 vague and ambiguous, and denies the allegations on that basis. Answering further,  
22 Defendant states that this Paragraph contains a legal conclusion to which no response  
23 is required. To the extent a response is required, Defendant denies the allegations.  
24 Answering further, Defendant is without knowledge or information sufficient to form  
25 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
26 therefore denies them. Answering further, Defendant denies Plaintiff’s  
27 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
28 specifically admitted are denied.

1       108. Answering Paragraph 108, Defendant responds that it is without  
2 knowledge or information sufficient to form a belief as to the truth or falsity of the  
3 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
4 responds that “deceptive marketing,” “Defective Vehicles,” and “Defective Vehicle”  
5 are vague and ambiguous, and denies the allegations on that basis. Answering further,  
6 to the extent Plaintiff’s allegations rely on the Municipal Code of Chicago, the  
7 Municipal Code of Chicago speaks for itself. Answering further, Defendant denies  
8 that it sold and/or sells vehicles to retail consumers. Answering further, Defendant  
9 states that this Paragraph contains legal conclusions to which no response is required.  
10 To the extent a response is required, Defendant denies the allegations. All allegations  
11 in this Paragraph not specifically admitted are denied.

12        109. Answering Paragraph 109, Defendant denies that Plaintiff is entitled to  
13 the relief requested in this Paragraph. Answering further, Defendant states that this  
14 Paragraph contains legal conclusions to which no response is required. To the extent  
15 a response is required, Defendant denies the allegations. All allegations in this  
16 Paragraph not specifically admitted are denied.

## **SECOND CAUSE OF ACTION**

## **Violation of MCC § 2-25-090**

## **Deceptive Trade Practices**

110. Answering Paragraph 110, Defendant admits that Plaintiff purports to  
incorporate the preceding paragraphs. All allegations in this Paragraph not  
specifically admitted are denied.

23        111. Answering Paragraph 111, to the extent Plaintiff's allegations rely on the  
24 Municipal Code of Chicago, the Municipal Code of Chicago speaks for itself. All  
25 allegations in this Paragraph not specifically admitted are denied.

26        112. Answering Paragraph 112, to the extent Plaintiff's allegations rely on the  
27 Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2, the  
28

1 Illinois Compiled Statutes speak for themselves. All allegations in this Paragraph not  
2 specifically admitted are denied.

3       113. Answering Paragraph 113, to the extent Plaintiff's allegations rely on the  
4 Uniform Deceptive Trade Practices Act, 815 ILCS 510/2, the Illinois Compiled  
5 Statutes speak for themselves. All allegations in this Paragraph not specifically  
6 admitted are denied.

7       114. Answering Paragraph 114, Defendant responds that it is without  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the  
9 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
10 responds that "trade and commerce," "Defective Vehicles," "thousands," "substantial  
11 number," "deceptive advertisements," and "that information" are vague and  
12 ambiguous, and denies the allegations on that basis. Answering further, Defendant  
13 denies that it engaged in deceptive conduct. Answering further, Defendant denies that  
14 it sold vehicles to retail consumers. Answering further, Defendant admits that  
15 Chicago consumers purchased Hyundai-branded vehicles from dealerships in  
16 Chicago. Answering further, Defendant responds that it is without knowledge or  
17 information sufficient to form a belief as to the truth or falsity of the allegations  
18 relating to what Chicago consumers saw or considered before or when deciding to  
19 purchase a vehicle, and therefore denies them. Answering further, Defendant states  
20 that this Paragraph contains a legal conclusion to which no response is required. To  
21 the extent a response is required, Defendant denies the allegations. All allegations in  
22 this Paragraph not specifically admitted are denied.

23       115. Answering Paragraph 115, Defendant responds that it is without  
24 knowledge or information sufficient to form a belief as to the truth or falsity of the  
25 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
26 responds that "deceptive trade practices," "Defective Vehicles," "more advanced  
27 technology and safety features," "comparable vehicles," "clearly and conspicuously  
28 disclose," "equivalent anti-theft technology," "the foregoing misrepresentations and

1 omissions,” and “advertising” are vague and ambiguous, and denies the allegations  
2 on that basis. Answering further, Defendant states that this Paragraph contains legal  
3 conclusions to which no response is required. To the extent a response is required,  
4 Defendant denies the allegations. Answering further, Defendant denies Plaintiff’s  
5 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
6 specifically admitted are denied.

7       116. Answering Paragraph 116, Defendant responds that it is without  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the  
9 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
10 responds that “omission and/or obfuscation,” “industry-standard anti-theft  
11 technology,” “material,” “this information,” “Defective Vehicles,” and “acted  
12 differently” are vague and ambiguous, and denies the allegations on that basis.  
13 Answering further, Defendant states that this Paragraph contains legal conclusions to  
14 which no response is required. To the extent a response is required, Defendant denies  
15 the allegations. Answering further, Defendant is without knowledge or information  
16 sufficient to form a belief as to the truth or falsity of the remaining allegations in this  
17 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff’s  
18 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
19 specifically admitted are denied.

20       117. Answering Paragraph 117, Defendant responds that it is without  
21 knowledge or information sufficient to form a belief as to the truth or falsity of the  
22 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
23 responds that “placed profits ahead of the health and safety of others,” “concealing,”  
24 “material facts,” “Defective Vehicles’,” “equivalent anti-theft technology,” and  
25 “ease” are vague and ambiguous, and denies the allegations on that basis. Answering  
26 further, Defendant states that this Paragraph contain a legal conclusion to which no  
27 response is required. To the extent a response is required, Defendant denies the  
28 allegations. Answering further, Defendant is without knowledge or information

1 sufficient to form a belief as to the truth or falsity of the remaining allegations in this  
2 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's  
3 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
4 specifically admitted are denied.

5       118. Answering Paragraph 118, Defendant responds that it is without  
6 knowledge or information sufficient to form a belief as to the truth or falsity of the  
7 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
8 responds that “deceptive marketing,” “Defective Vehicles,” and “Defective Vehicle”  
9 are vague and ambiguous, and denies the allegations on that basis. Answering further,  
10 to the extent Plaintiff’s allegations rely on the Municipal Code of Chicago, the  
11 Municipal Code of Chicago speaks for itself. Answering further, Defendant denies  
12 that it sold and/or sells vehicles to retail consumers. Answering further, Defendant  
13 states that this Paragraph contains legal conclusions to which no response is required.  
14 To the extent a response is required, Defendant denies the allegations. Answering  
15 further, Defendant denies Plaintiff’s characterization of the facts in this Paragraph.  
16 All allegations in this Paragraph not specifically admitted are denied.

17        119. Answering Paragraph 119, Defendant denies that Plaintiff is entitled to  
18 the relief requested in this Paragraph. Answering further, Defendant states that this  
19 Paragraph contains legal conclusions to which no response is required. To the extent  
20 a response is required, Defendant denies the allegations. All allegations in this  
21 Paragraph not specifically admitted are denied.

### **THIRD CAUSE OF ACTION**

## **Violation of MCC § 2-25-090**

## **Unfair Trade Practices**

25       120. Answering Paragraph 120, Defendant admits that Plaintiff purports to  
26 incorporate the preceding paragraphs. All allegations in this Paragraph not  
27 specifically admitted are denied.

1       121. Answering Paragraph 121, to the extent Plaintiff's allegations rely on the  
2 Municipal Code of Chicago, the Municipal Code of Chicago speaks for itself. All  
3 allegations in this Paragraph not specifically admitted are denied.

4       122. Answering Paragraph 122, to the extent Plaintiff's allegations rely on the  
5 Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2, the  
6 Illinois Compiled Statutes speak for themselves. All allegations in this Paragraph not  
7 specifically admitted are denied.

8       123. Answering Paragraph 123, Defendant responds that "public policy,"  
9 "immoral, unethical, oppressive, or unscrupulous," and "substantial injury" are vague  
10 and ambiguous, and denies the allegations on that basis. Answering further, to the  
11 extent Plaintiff's allegations rely on *Robinson v. Toyota Motor Credit Corp.*, 201 Ill.  
12 2d 403, 417–18 (2002), the decision speaks for itself. Defendant states that this  
13 Paragraph contains a legal conclusion to which no response is required. To the extent  
14 a response is required, Defendant denies the allegations. All allegations in this  
15 Paragraph not specifically admitted are denied.

16       124. Answering Paragraph 124, Defendant responds that it is without  
17 knowledge or information sufficient to form a belief as to the truth or falsity of the  
18 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
19 responds that "unfair trade practices," "conduct," "public policy," "immoral,  
20 unethical, oppressive, and unscrupulous," "advertising," "Defective Vehicles,"  
21 "effective," "industry-standard," "equivalent anti-theft technology," "unreasonably  
22 susceptible," "unreasonable risk," and "public safety" are vague and ambiguous, and  
23 denies the allegations on that basis. Answering further, Defendant states that this  
24 Paragraph contains legal conclusions to which no response is required. To the extent  
25 a response is required, Defendant denies the allegations. Answering further,  
26 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All  
27 allegations in this Paragraph not specifically admitted are denied.

28

1       125. Answering Paragraph 125, Defendant responds that “public policy,”  
2 “unreasonably susceptible,” “standard,” “nearly all,” “other manufacturers,” and  
3 “standard equipment” are vague and ambiguous, and denies the allegations on that  
4 basis. Answering further, Defendant states that this Paragraph contains a legal  
5 conclusion to which no response is required. To the extent a response is required,  
6 Defendant denies the allegations. All allegations in this Paragraph not specifically  
7 admitted are denied.

8       126. Answering Paragraph 126, Defendant responds that it is without  
9 knowledge or information sufficient to form a belief as to the truth or falsity of the  
10 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
11 responds that “Defective Vehicles,” “industry-standard,” “equivalent anti-theft  
12 equipment,” “obfuscated critical information,” “touting,” “those vehicles,” “leaders,”  
13 “safety,” “quality,” “warning, instruction, or other precaution,” “injuries,” and “safety  
14 of others” are vague and ambiguous, and denies the allegations on that basis.  
15 Answering further, Defendant denies that it manufactures vehicles. Answering  
16 further, Defendant states that this Paragraph contains a legal conclusion to which no  
17 response is required. To the extent a response is required, Defendant denies the  
18 allegations. Answering further, Defendant is without knowledge or information  
19 sufficient to form a belief as to the truth or falsity of the remaining allegations in this  
20 Paragraph and therefore denies them. All allegations in this Paragraph not specifically  
21 admitted are denied.

22       127. Answering Paragraph 127, Defendant responds that it is without  
23 knowledge or information sufficient to form a belief as to the truth or falsity of the  
24 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
25 responds that “clear and conspicuous,” “Defective Vehicles,” “industry-standard,”  
26 “equivalent anti-theft technology,” “demonstrably more susceptible,” “almost all  
27 other vehicles on the market,” “omission and/or obfuscation” “this information,” and  
28 “meaningful choice,” are vague and ambiguous, and denies the allegations on that

1 basis. Answering further, Defendant states that this Paragraph contains legal  
2 conclusions to which no response is required. To the extent a response is required,  
3 Defendant denies the allegations. All allegations in this Paragraph not specifically  
4 admitted are denied.

5       128. Answering Paragraph 128, Defendant responds that it is without  
6 knowledge or information sufficient to form a belief as to the truth or falsity of the  
7 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
8 responds that “industry-standard,” “equivalent anti-theft technology,” “substantial  
9 injury,” “actions,” “impacted,” “substantial number,” “[t]housands,” “Defective  
10 Vehicles,” “impact,” “substantial,” “disproportionately,” and “low-income” are  
11 vague and ambiguous and denies the allegations on that basis. Answering further,  
12 Defendant states that this Paragraph contains legal conclusions to which no response  
13 is required. To the extent a response is required, Defendant denies the allegations.  
14 Answering further, Defendant is without knowledge or information sufficient to form  
15 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
16 therefore denies them. Answering further, Defendant denies Plaintiff’s  
17 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
18 specifically admitted are denied.

19       129. Answering Paragraph 129, Defendant responds that it is without  
20 knowledge or information sufficient to form a belief as to the truth or falsity of the  
21 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
22 responds that “Defective Vehicles,” and “equivalent anti-theft technology” are vague  
23 and ambiguous, and denies the allegations on that basis. All allegations in this  
24 Paragraph not specifically admitted are denied.

25       130. Answering Paragraph 130, Defendant responds that it is without  
26 knowledge or information sufficient to form a belief as to the truth or falsity of the  
27 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
28 responds that “Defective Vehicles,” “spiked,” “adequate action,” “increased risk,”

1 and “remove these dangerous vehicles from the market” are vague and ambiguous,  
2 and denies the allegations on that basis. Answering further, Defendant states that this  
3 Paragraph contains legal conclusions to which no response is required. To the extent  
4 a response is required, Defendant denies the allegations. Answering further,  
5 Defendant denies Plaintiff’s characterization of the facts in this Paragraph. All  
6 allegations in this Paragraph not specifically admitted are denied.

7       131. Answering Paragraph 131, Defendant responds that it is without  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the  
9 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
10 responds that “unreasonably dangerous vehicles,” “public safety,” “imperiled,”  
11 “mitigate,” “damage,” and “actions” are vague and ambiguous, and denies the  
12 allegations on that basis. Answering further, Defendant denies that it manufacturers  
13 vehicles. Answering further, Defendant states that this Paragraph contains legal  
14 conclusions to which no response is required. To the extent a response is required,  
15 Defendant denies the allegations. Answering further, Defendant denies Plaintiff’s  
16 characterization of the facts in this Paragraph. All allegations in this Paragraph not  
17 specifically admitted are denied.

18       132. Answering Paragraph 132, Defendant responds that it is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the  
20 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
21 responds that “substantial injury,” “Defective Vehicles,” “disproportionately,” “low-  
22 income,” and “hundreds if not thousands” are vague and ambiguous and denies the  
23 allegations on that basis. Answering further, Defendant states that this Paragraph  
24 contains a legal conclusion to which no response is required. To the extent a response  
25 is required, Defendant denies the allegations. Answering further, Defendant is  
26 without knowledge or information sufficient to form a belief as to the truth or falsity  
27 of the remaining allegations in this Paragraph and therefore denies them. All  
28 allegations in this Paragraph not specifically admitted are denied.

1       133. Answering Paragraph 133, Defendant responds that it is without  
2 knowledge or information sufficient to form a belief as to the truth or falsity of the  
3 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
4 responds that “unfair trade practices,” “Defective Vehicles,” and Defective Vehicle  
5 are vague and ambiguous, and denies the allegations on that basis. Answering further,  
6 to the extent Plaintiff’s allegations rely on the Municipal Code of Chicago, the  
7 Municipal Code of Chicago speaks for itself. Answering further, Defendant denies  
8 that it sold and/or sells vehicles to retail consumers. Answering further, Defendant  
9 states that this Paragraph contains legal conclusions to which no response is required.  
10 To the extent a response is required, Defendant denies the allegations. Answering  
11 further, Defendant denies Plaintiff’s characterization of the facts in this Paragraph.  
12 All allegations in this Paragraph not specifically admitted are denied.

13        134. Answering Paragraph 134, Defendant denies that Plaintiff is entitled to  
14 the relief requested in this Paragraph. Answering further, Defendant states that this  
15 Paragraph contains legal conclusions to which no response is required. To the extent  
16 a response is required, Defendant denies the allegations. All allegations in this  
17 Paragraph not specifically admitted are denied.

## **FOURTH CAUSE OF ACTION**

## **Public Nuisance**

135. Answering Paragraph 135, Defendant admits that Plaintiff purports to incorporate the preceding paragraphs. All allegations in this Paragraph not specifically admitted are denied.

23        136. Answering Paragraph 136, Defendant responds that it is without  
24 knowledge or information sufficient to form a belief as to the truth or falsity of the  
25 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
26 responds that “Defective Vehicles,” “record rates,” and “violent crimes” are vague  
27 and ambiguous, and denies the allegations on that basis. Answering further,  
28 Defendant denies that it designs or manufactures vehicles. Answering further,

1 Defendant admits that it markets and distributes vehicles. Answering further,  
2 Defendant is without knowledge or information sufficient to form a belief as to the  
3 truth or falsity of the remaining allegations in this Paragraph and therefore denies  
4 them. All allegations in this Paragraph not specifically admitted are denied.

5       137. Answering Paragraph 137, Defendant responds that it is without  
6 knowledge or information sufficient to form a belief as to the truth or falsity of the  
7 allegations relating to Kia, and therefore denies them. Answering Further, Defendant  
8 responds that “Defective Vehicles,” “unreasonably interferes,” and “right common to  
9 the public” are vague and ambiguous, and denies the allegations on that basis.  
10 Answering further, Defendant denies that it designs or manufactures vehicles.  
11 Answering further, Defendant admits that it distributes vehicles. Answering further,  
12 Defendant denies that there exists a public nuisance and also denies that it created,  
13 contributed to, and/or maintained a public nuisance. Answering further, Defendant  
14 states that this Paragraph contains a legal conclusion to which no response is required.  
15 To the extent a response is required, Defendant denies the allegations. All allegations  
16 in this Paragraph not specifically admitted are denied.

17       138. Answering Paragraph 138, Defendant responds that it is without  
18 knowledge or information sufficient to form a belief as to the truth or falsity of the  
19 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
20 responds that “conduct,” “significant effect,” “public rights,” “endangers,” and  
21 “safety of the public” are vague and ambiguous, and denies the allegations on that  
22 basis. Answering further, Defendant states that this Paragraph contains a legal  
23 conclusion to which no response is required. To the extent a response is required,  
24 Defendant denies the allegations. All allegations in this Paragraph not specifically  
25 admitted are denied.

26       139. Answering Paragraph 139, Defendant responds that it is without  
27 knowledge or information sufficient to form a belief as to the truth or falsity of the  
28 allegations relating to Kia, and therefore denies them. Answering further, Defendant

1 responds that “effective,” “equivalent anti-theft technology,” “Defective Vehicles,”  
2 “increased rates,” “increased costs,” “responding to,” and “related crimes” are vague  
3 and ambiguous, and denies the allegations on that basis. Answering further,  
4 Defendant states that this Paragraph contains a legal conclusion to which no response  
5 is required. To the extent a response is required, Defendant denies the allegations.  
6 All allegations in this Paragraph not specifically admitted are denied.

7       140. Answering Paragraph 140, Defendant responds that it is without  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the  
9 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
10 responds that “reason to know,” “this interference with public safety,” “substantially  
11 certain outcome,” and “conduct” are vague and ambiguous, and denies the allegations  
12 on that basis. Answering further, Defendant states that this Paragraph contains a legal  
13 conclusion to which no response is required. To the extent a response is required,  
14 Defendant denies the allegations. All allegations in this Paragraph not specifically  
15 admitted are denied.

16       141. Answering Paragraph 141, Defendant responds that it is without  
17 knowledge or information sufficient to form a belief as to the truth or falsity of the  
18 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
19 responds that “equivalent anti-theft technology,” “Defective Vehicles,” “directly  
20 facilitated” and “rapid increase” are vague and ambiguous, and denies the allegations  
21 on that basis. Answering further, Defendant denies that it designs or manufactures  
22 vehicles. Answering further, Defendant denies that there exists a public nuisance and  
23 also denies that it created a public nuisance. Answering further, Defendant denies  
24 that it facilitated an increase in vehicle theft. Answering further, Defendant states that  
25 this Paragraph contains a legal conclusion to which no response is required. To the  
26 extent a response is required, Defendant denies the allegations. Answering further,  
27 Defendant denies Plaintiff’s characterization of the facts in this Paragraph. All  
28 allegations in this Paragraph not specifically admitted are denied.

1       142. Answering Paragraph 142, Defendant responds that “common right,”  
2 “free from conduct,” “interferes,” “peaceful use,” “commerce,” “travel,” and “quality  
3 of daily life” are vague and ambiguous, and denies the allegations on that basis.  
4 Answering further, Defendant states that this Paragraph contains a legal conclusion  
5 to which no response is required. To the extent a response is required, Defendant  
6 denies the allegations. All allegations in this Paragraph not specifically admitted are  
7 denied.

8       143. Answering Paragraph 143, Defendant responds that it is without  
9 knowledge or information sufficient to form a belief as to the truth or falsity of the  
10 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
11 responds that “endangered,” “harmed,” “undermined,” “law enforcement efforts to  
12 deter vehicle theft,” “otherwise diverted,” “scarce,” and “law enforcement and first  
13 responder resources” are vague and ambiguous, and denies the allegations on that  
14 basis. All allegations in this Paragraph not specifically admitted are denied.

15      144. Answering Paragraph 144, Defendant responds that it is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the  
17 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
18 responds that “conduct,” “directly caused,” “severe disruption,” “public welfare,  
19 order, and safety,” “ongoing,” “permanent,” “long-lasting,” and “damage” are vague  
20 and ambiguous, and denies the allegations on that basis. Answering further,  
21 Defendant states that this Paragraph contains a legal conclusion to which no response  
22 is required. To the extent a response is required, Defendant denies the allegations.  
23 All allegations in this Paragraph not specifically admitted are denied.

24      145. Answering Paragraph 145, Defendant responds that it is without  
25 knowledge or information sufficient to form a belief as to the truth or falsity of the  
26 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
27 responds that “conduct,” “substantially interferes,” “public’s right,” and “safe and  
28 reasonable access” are vague and ambiguous, and denies the allegations on that basis.

1 Answering further, Defendant states that this Paragraph contains a legal conclusion  
2 to which no response is required. To the extent a response is required, Defendant  
3 denies the allegations. All allegations in this Paragraph not specifically admitted are  
4 denied.

5       146. Answering Paragraph 146, Defendant responds that it is without  
6 knowledge or information sufficient to form a belief as to the truth or falsity of the  
7 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
8 responds that “conduct,” “affected and continues to affect,” “substantial number,” and  
9 “significant harm” are vague and ambiguous, and denies the allegations on that basis.  
10 All allegations in this Paragraph not specifically admitted are denied.

11       147. Answering Paragraph 147, Defendant responds that it is without  
12 knowledge or information sufficient to form a belief as to the truth or falsity of the  
13 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
14 responds that “conduct,” is vague and ambiguous, and denies the allegations on that  
15 basis. Answering further, Defendant denies that there exists a public nuisance and  
16 also denies that it created a public nuisance. All allegations in this Paragraph not  
17 specifically admitted are denied.

18       148. Answering Paragraph 148, Defendant responds that it is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the  
20 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
21 responds that “equivalent anti-theft technology,” “acted unreasonably,” “conduct,”  
22 and “injuries, harm, and economic losses” are vague and ambiguous, and denies the  
23 allegations on that basis. Answering further, Defendant denies that it manufactures  
24 vehicles. Answering further, Defendant denies that there exists a public nuisance and  
25 also denies that it created a public nuisance. Answering further, Defendant states that  
26 this Paragraph contains legal conclusions to which no response is required. To the  
27 extent a response is required, Defendant denies the allegations. All allegations in this  
28 Paragraph not specifically admitted are denied.

1       149. Answering Paragraph 149, Defendant responds that it is without  
2 knowledge or information sufficient to form a belief as to the truth or falsity of the  
3 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
4 responds that “conduct,” “significant expenditures,” “police, emergency, health, and  
5 other services,” “property damage,” “Defective Vehicles,” “public outreach,” and  
6 “theft prevention measures,” “such damages,” “damages,” are vague and ambiguous,  
7 and denies the allegations on that basis. Answering further, Defendant denies that  
8 there exists a public nuisance and also denies that it created a public nuisance.  
9 Answering further, Defendant states that this Paragraph contains a legal conclusion  
10 to which no response is required. To the extent a response is required, Defendant  
11 denies the allegations. Answering further, Defendant is without knowledge or  
12 information sufficient to form a belief as to the truth or falsity of the remaining  
13 allegations in this Paragraph and therefore denies them. All allegations in this  
14 Paragraph not specifically admitted are denied.

15      150. Answering Paragraph 150, Defendant responds that it is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the  
17 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
18 responds that “misconduct,” “highly unreasonable risk of harm,” and “rights and  
19 safety of others” are vague and ambiguous, and denies the allegations on that basis.  
20 Answering further, Defendant is without knowledge or information sufficient to form  
21 a belief as to the truth or falsity of the allegations related to what a “political  
22 subdivision would reasonably expect to occur” and/or “normal and expected costs of  
23 a local government’s existence,” and denies the allegations on that basis. Answering  
24 further, Defendant states that this Paragraph contains a legal conclusion to which no  
25 response is required. To the extent a response is required, Defendant denies the  
26 allegations. All allegations in this Paragraph not specifically admitted are denied.

27      151. Answering Paragraph 151, Defendant responds that it is without  
28 knowledge or information sufficient to form a belief as to the truth or falsity of the

1 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
2 responds that “costs,” “public outreach,” “theft prevention measures,” and  
3 “compensation for economic and property damages” are vague and ambiguous, and  
4 denies the allegations on that basis. Answering further, Defendant denies that  
5 Plaintiff is entitled to the relief requested in this Paragraph. Answering further,  
6 Defendant denies that there exists a public nuisance and also denies that it created a  
7 public nuisance and/or assisted in the creation of a public nuisance. Answering  
8 further, Defendant is without knowledge or information sufficient to form a belief as  
9 to the truth or falsity of the remaining allegations in this Paragraph and therefore  
10 denies them. All allegations in this Paragraph not specifically admitted are denied.

11        152. Answering Paragraph 152, Defendant denies that Plaintiff is entitled to  
12 the relief requested in this Paragraph. Answering further, Defendant states that this  
13 Paragraph contains legal conclusions to which no response is required. To the extent  
14 a response is required, Defendant denies the allegations. All allegations in this  
15 Paragraph not specifically admitted are denied.

## **FIFTH CAUSE OF ACTION**

# Negligence

18        153. Answering Paragraph 153, Defendant admits that Plaintiff purports to  
19 incorporate the preceding paragraphs. All allegations in this Paragraph not  
20 specifically admitted are denied.

21       154. Answer Paragraph 154, Defendant responds that it is without knowledge  
22 or information sufficient to form a belief as to the truth or falsity of the allegations  
23 relating to Kia, and therefore denies them. Answering further, Defendant responds  
24 that “act,” “reasonably careful person,” “circumstances,” “all reasonable steps  
25 necessary,” and “unreasonably easy to steal” are vague and ambiguous, and denies  
26 the allegations on that basis. Answering further, Defendant denies that it designs or  
27 manufactures vehicles. Answering further, Defendant states that this Paragraph  
28 contains a legal conclusion to which no response is required. To the extent a response

1 is required, Defendant denies the allegations. All allegations in this Paragraph not  
2 specifically admitted are denied.

3       155. Answering Paragraph 155, Defendant responds that it is without  
4 knowledge or information sufficient to form a belief as to the truth or falsity of the  
5 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
6 responds that “unreasonable risk of harm,” “hazards,” “dangers,” “equivalent anti-  
7 theft technology,” “Defective Vehicles,” “increased risk,” and “public harm” are  
8 vague and ambiguous, and denies the allegations on that basis. Answering further,  
9 Defendant states that this Paragraph contains a legal conclusion to which no response  
10 is required. To the extent a response is required, Defendant denies the allegations.  
11 All allegations in this Paragraph not specifically admitted are denied.

12       156. Answering Paragraph 156, Defendant responds that it is without  
13 knowledge or information sufficient to form a belief as to the truth or falsity of the  
14 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
15 responds that “equivalent anti-theft technology,” “Defective Vehicles,” “injuries,”  
16 “dangerous and unreasonable risk of injury,” and “best position” are vague and  
17 ambiguous, and denies the allegations on that basis. Answering further, Defendant  
18 states that this Paragraph contains legal conclusions to which no response is required.  
19 To the extent a response is required, Defendant denies the allegations. Answering  
20 further, Defendant is without knowledge or information sufficient to form a belief as  
21 to the truth or falsity of the remaining allegations in this Paragraph and therefore  
22 denies them. All allegations in this Paragraph not specifically admitted are denied.

23       157. Answering Paragraph 157, Defendant responds that “[n]early all” and  
24 “Defective Vehicles” are vague and ambiguous, and denies the allegations on that  
25 basis. Answering further, Defendant is without knowledge or information sufficient  
26 to form a belief as to the truth or falsity of the allegations in this Paragraph, and  
27 therefore denies them. All allegations in this Paragraph not specifically admitted are  
28 denied.

1       158. Answering Paragraph 158, Defendant responds that it is without  
2 knowledge or information sufficient to form a belief as to the truth or falsity of the  
3 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
4 responds that “action and inaction,” “act,” “reasonably prudent person and/or  
5 company,” “same circumstances,” and “minimum, industry-standard security  
6 measures” are vague and ambiguous, and denies the allegations on that basis.  
7 Answering further, Defendant denies that it designs, develops, produces, produced,  
8 manufactures, and/or manufactured vehicles. Answering further, Defendant admits  
9 that it distributes vehicles. Answering further, Defendant states that this Paragraph  
10 contains a legal conclusion to which no response is required. To the extent a response  
11 is required, Defendant denies the allegations. Answering further, Defendant is  
12 without knowledge or information sufficient to form a belief as to the truth or falsity  
13 of the remaining allegations in this Paragraph and therefore denies them. All  
14 allegations in this Paragraph not specifically admitted are denied.

15       159. Answering Paragraph 159, Defendant responds that it is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the  
17 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
18 responds that “in control” is vague and ambiguous, and denies the allegations on that  
19 basis. Answering further, Defendant denies that it designs, develops, produces, and/or  
20 manufactures vehicles. Answering further, Defendant admits that it distributes  
21 vehicles. All allegations in this Paragraph not specifically admitted are denied.

22       160. Answering Paragraph 160, Defendant responds that it is without  
23 knowledge or information sufficient to form a belief as to the truth or falsity of the  
24 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
25 responds that “injuries” and “effective deterrent” are vague and ambiguous, and  
26 denies the allegations on that basis. Answering further, Defendant denies that it  
27 manufactures vehicles. Answering further, Defendant states that this Paragraph  
28 contains a legal conclusion to which no response is required. To the extent a response

1 is required, Defendant denies the allegations. Answering further, Defendant is  
2 without knowledge or information sufficient to form a belief as to the truth or falsity  
3 of the remaining allegations in this Paragraph and therefore denies them. All  
4 allegations in this Paragraph not specifically admitted are denied.

5       161. Answering Paragraph 161, Defendant responds that it is without  
6 knowledge or information sufficient to form a belief as to the truth or falsity of the  
7 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
8 responds that “acted unreasonably,” “conduct,” and “injuries, harm, and economic  
9 losses” are vague and ambiguous, and denies the allegations on that basis. Answering  
10 further, Defendant states that this Paragraph contains a legal conclusion to which no  
11 response is required. To the extent a response is required, Defendant denies the  
12 allegations. Answering further, Defendant is without knowledge or information  
13 sufficient to form a belief as to the truth or falsity of the remaining allegations in this  
14 Paragraph and therefore denies them. All allegations in this Paragraph not specifically  
15 admitted are denied.

16       162. Answering Paragraph 162, Defendant responds that it is without  
17 knowledge or information sufficient to form a belief as to the truth or falsity of the  
18 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
19 responds that “acts and omissions,” “unreasonable risk of harm,” and “negligent  
20 and/or criminal acts of third parties” are vague and ambiguous, and denies the  
21 allegations on that basis. Answering further, Defendant states that this Paragraph  
22 contains a legal conclusion to which no response is required. To the extent a response  
23 is required, Defendant denies the allegations. All allegations in this Paragraph not  
24 specifically admitted are denied.

25       163. Answering Paragraph 163, Defendant responds that it is without  
26 knowledge or information sufficient to form a belief as to the truth or falsity of the  
27 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
28 responds that “injuries, harms, and economic losses” and “conduct” are vague and

1 ambiguous, and denies the allegations on that basis. Answering further, Defendant  
2 states that this Paragraph contains a legal conclusion to which no response is required.  
3 To the extent a response is required, Defendant denies the allegations. Answering  
4 further, Defendant is without knowledge or information sufficient to form a belief as  
5 to the truth or falsity of the remaining allegations in this Paragraph and therefore  
6 denies them. All allegations in this Paragraph not specifically admitted are denied.

7       164. Answering Paragraph 164, Defendant responds that it is without  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the  
9 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
10 responds that “conduct” and “rights” are vague and ambiguous, and denies the  
11 allegations on that basis. Answering further, Defendant states that this Paragraph  
12 contains legal conclusions to which no response is required. To the extent a response  
13 is required, Defendant denies the allegations. All allegations in this Paragraph not  
14 specifically admitted are denied.

15       165. Answering Paragraph 165, Defendant responds that it is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the  
17 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
18 responds that “wrongful acts and omissions,” “injured,” “economic damages,”  
19 “significant expenditures,” “police, emergency, health, and other services,” “property  
20 damage,” and “Defective Vehicles” are vague and ambiguous, and denies the  
21 allegations on that basis. Answering further, Defendant states that this Paragraph  
22 contains a legal conclusion to which no response is required. To the extent a response  
23 is required, Defendant denies the allegations. Answering further, Defendant is  
24 without knowledge or information sufficient to form a belief as to the truth or falsity  
25 of the remaining allegations in this Paragraph and therefore denies them. All  
26 allegations in this Paragraph not specifically admitted are denied.

27       166. Answering Paragraph 166, Defendant responds that it is without  
28 knowledge or information sufficient to form a belief as to the truth or falsity of the

1 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
2 responds that “over and above its ordinary public services” and “misconduct” are  
3 vague and ambiguous, and denies the allegations on that basis. Answering further,  
4 Defendant is without knowledge or information sufficient to form a belief as to the  
5 truth or falsity of the allegations relating to what a “political subdivision would  
6 reasonably expect to occur” and/or “normal and expected costs of a local  
7 government’s existence,” and denies the allegations on that basis. Answering further,  
8 Defendant states that this Paragraph contains a legal conclusion to which no response  
9 is required. To the extent a response is required, Defendant denies the allegations.  
10 Answering further, Defendant is without knowledge or information sufficient to form  
11 a belief as to the truth or falsity of the remaining allegations in this Paragraph and  
12 therefore denies them. All allegations in this Paragraph not specifically admitted are  
13 denied.

14       167. Answering Paragraph 167, Defendant responds that it is without  
15 knowledge or information sufficient to form a belief as to the truth or falsity of the  
16 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
17 responds that “conduct,” “rights,” “right to public safety,” “highly unreasonable risk,”  
18 “harm,” and “rights and safety of others” are vague and ambiguous, and denies the  
19 allegations on that basis. Answering further, Defendant states that this Paragraph  
20 contains a legal conclusion to which no response is required. To the extent a response  
21 is required, Defendant denies the allegations. All allegations in this Paragraph not  
22 specifically admitted are denied.

23       168. Answering Paragraph 168, Defendant responds that it is without  
24 knowledge or information sufficient to form a belief as to the truth or falsity of the  
25 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
26 responds that “fault,” “injuries,” “ordinary course of events,” and “due care  
27 commensurate to the dangers involved” are vague and ambiguous, and denies the  
28 allegations on that basis. Answering further, Defendant denies that it manufactures

1 vehicles. Answering further, Defendant states that this Paragraph contains a legal  
2 conclusion to which no response is required. To the extent a response is required,  
3 Defendant denies the allegations. Answering further, Defendant is without  
4 knowledge or information sufficient to form a belief as to the truth or falsity of the  
5 remaining allegations in this Paragraph and therefore denies them. All allegations in  
6 this Paragraph not specifically admitted are denied.

7       169. Answering Paragraph 169, Defendant denies that Plaintiff is entitled to  
8 the relief requested in this Paragraph. Answering further, Defendant states that this  
9 Paragraph contains legal conclusions to which no response is required. To the extent  
10 a response is required, Defendant denies the allegations. All allegations in this  
11 Paragraph not specifically admitted are denied.

## SIXTH CAUSE OF ACTION

## **Violation of MCC § 1-20-020**

14       170. Answering Paragraph 170, Defendant admits that Plaintiff purports to  
15 incorporate the preceding paragraphs. All allegations in this Paragraph not  
16 specifically admitted are denied.

17       171. Answering Paragraph 171, to the extent Plaintiff's allegations rely on the  
18 Municipal Code of Chicago, the Municipal Code of Chicago speaks for itself. All  
19 allegations in this Paragraph not specifically admitted are denied.

172. Answering Paragraph 172, to the extent Plaintiff's allegations rely on the  
Municipal Code of Chicago, the Municipal Code of Chicago speaks for itself. All  
allegations in this Paragraph not specifically admitted are denied.

23        173. Answering Paragraph 173, Defendant denies that Plaintiff is entitled to  
24 the relief asserted in this Paragraph. Answering further, Defendant states that this  
25 Paragraph contains legal conclusions to which no response is required. To the extent  
26 a response is required, Defendant denies the allegations. All allegations in this  
27 Paragraph not specifically admitted are denied.

1       174. Answering Paragraph 174, Defendant responds that it is without  
2 knowledge or information sufficient to form a belief as to the truth or falsity of the  
3 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
4 responds that “Defective Vehicles” and “deceptive and unfair trade practices” are  
5 vague and ambiguous, and denies the allegations on that basis. Answering further,  
6 Defendant denies that it manufactures vehicles. Answering further, Defendant denies  
7 that there exists a public nuisance and also denies that it caused or contributed to a  
8 public nuisance. Answering further, Defendant states that this Paragraph contains  
9 legal conclusions to which no response is required. To the extent a response is  
10 required, Defendant denies the allegations. All allegations in this Paragraph not  
11 specifically admitted are denied.

12       175. Answering Paragraph 175, Defendant responds that it is without  
13 knowledge or information sufficient to form a belief as to the truth or falsity of the  
14 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
15 responds that “wave of thefts,” “Defective Vehicles,” “resulting costs,” “responding  
16 to” and “crimes, injuries, and property damage” are vague and ambiguous, and denies  
17 the allegations on that basis. Answering further, Defendant states that this Paragraph  
18 contains legal conclusions to which no response is required. To the extent a response  
19 is required, Defendant denies the allegations. Answering further, Defendant is  
20 without knowledge or information sufficient to form a belief as to the truth or falsity  
21 of the remaining allegations in this Paragraph and therefore denies them. All  
22 allegations in this Paragraph not specifically admitted are denied.

23       176. Answering Paragraph 176, Defendant responds that it is without  
24 knowledge or information sufficient to form a belief as to the truth or falsity of the  
25 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
26 responds that “unlawfully misrepresented,” “quality,” “safety,” “Defective Vehicles,”  
27 “advertising and marketing materials,” “equivalent technology,” “some, if not all,”  
28 “unfairly marketed,” “industry-standard antitheft technology,” and “unusually

1 susceptible” are vague and ambiguous, and denies the allegations on that basis.  
2 Answering further, Defendant denies that it manufactures vehicles. Answering  
3 further, Defendant denies that its advertising and marketing materials contain  
4 misrepresentations. Answering further, Defendant states that this Paragraph contains  
5 legal conclusions to which no response is required. To the extent a response is  
6 required, Defendant denies the allegations. All allegations in this Paragraph not  
7 specifically admitted are denied.

8       177. Answering Paragraph 177, Defendant responds that it is without  
9 knowledge or information sufficient to form a belief as to the truth or falsity of the  
10 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
11 responds that “misconduct” and “costs” and are vague and ambiguous, and denies  
12 the allegations on that basis. Answering further, Defendant is without knowledge or  
13 information sufficient to form a belief as to the truth or falsity of the allegations  
14 relating to what a “political subdivision would reasonably expect to occur” and/or  
15 “normal and expected costs of a local government’s existence,” and denies the  
16 allegations on that basis. Answering further, Defendant states that this Paragraph  
17 contains legal conclusions to which no response is required. To the extent a response  
18 is required, Defendant denies the allegations. All allegations in this Paragraph not  
19 specifically admitted are denied.

20       178. Answering Paragraph 178, Defendant responds that it is without  
21 knowledge or information sufficient to form a belief as to the truth or falsity of the  
22 allegations relating to Kia, and therefore denies them. Answering further, Defendant  
23 responds that “unlawful actions,” “considerable resources,” “mitigate,” “harms,”  
24 “these vehicles,” “related crimes,” “costs,” “police, emergency, health, and other  
25 services,” “property damage,” “public outreach,” and “theft prevention measures” are  
26 vague and ambiguous, and denies the allegations on that basis. Answering further,  
27 Defendant denies that there exists a public nuisance and also denies that Defendant  
28 caused a public nuisance. Answering further, Defendant states that this Paragraph

1 contains legal conclusions to which no response is required. To the extent a response  
2 is required, Defendant denies the allegations. Answering further, Defendant is  
3 without knowledge or information sufficient to form a belief as to the truth or falsity  
4 of the remaining allegations in this Paragraph and therefore denies them. Answering  
5 further, Defendant denies Plaintiff's characterization of the facts in this Paragraph.  
6 All allegations in this Paragraph not specifically admitted are denied.

7       179. Answering Paragraph 179, Defendant denies that Plaintiff is entitled to  
8 the relief requested in this Paragraph. Answering further, Defendant states that this  
9 Paragraph contains legal conclusions to which no response is required. To the extent  
10 a response is required, Defendant denies the allegations. All allegations in this  
11 Paragraph not specifically admitted are denied.

## **RESPONSE TO PRAYER FOR RELIEF**

13 A. Answering Section A. of Chicago's Prayer for Relief, Defendant denies  
14 that Plaintiff is entitled to the relief requested in this Paragraph.

15 B. Answering Section B. of Chicago's Prayer for Relief, Defendant denies  
16 that Plaintiff is entitled to the relief requested in this Paragraph.

17 C. Answering Section C. of Chicago's Prayer for Relief, Defendant denies  
18 that Plaintiff is entitled to the relief requested in this Paragraph.

19 D. Answering Section D. of Chicago's Prayer for Relief, Defendant denies  
20 that Plaintiff is entitled to the relief requested in this Paragraph.

21 E. Answering Section E. of Chicago's Prayer for Relief, Defendant denies  
22 that Plaintiff is entitled to the relief requested in this Paragraph.

23 F. Answering Section F. of Chicago's Prayer for Relief, Defendant denies  
24 that Plaintiff is entitled to the relief requested in this Paragraph.

25 G. Answering Section G. of Chicago's Prayer for Relief, Defendant denies  
26 that Plaintiff is entitled to the relief requested in this Paragraph.

27 H. Answering Section H. of Chicago's Prayer for Relief, Defendant denies  
28 that Plaintiff is entitled to the relief requested in this Paragraph.

I. Answering Section I. of Chicago's Prayer for Relief, Defendant denies that Plaintiff is entitled to the relief requested in this Paragraph.

J. Answering Section J. of Chicago's Prayer for Relief, Defendant denies that Plaintiff is entitled to the relief requested in this Paragraph.

K. Answering Section K. of Chicago's Prayer for Relief, Defendant denies that Plaintiff is entitled to the relief requested in this Paragraph.

L. Answering Section L. of Chicago's Prayer for Relief, Defendant denies that Plaintiff is entitled to the relief requested in this Paragraph.

M. Answering Section M. of Chicago's Prayer for Relief, Defendant denies that Plaintiff is entitled to the relief requested in this Paragraph.

N. Answering Section N. of Chicago's Prayer for Relief, Defendant denies that Plaintiff is entitled to the relief requested in this Paragraph.

O. Answering Section O. of Chicago's Prayer for Relief, Defendant denies that Plaintiff is entitled to the relief requested in this Paragraph.

P. Answering Section P. of Chicago's Prayer for Relief, Defendant denies that Plaintiff is entitled to the relief requested in this Paragraph.

Q. Answering Section Q. of Chicago's Prayer for Relief, Defendant denies that Plaintiff is entitled to the relief requested in this Paragraph.

## **RESPONSE TO JURY TRIAL DEMAND**

Answering Chicago's Jury Trial Demand, Defendant admits that Plaintiff City of Chicago purports to demand a jury trial. Pursuant to Federal Rule of Civil Procedure 38, Defendant demands a jury trial on all causes of action, claims, and issues so triable.

## **STATEMENT OF DEFENSES**

The following statement of defenses is not intended to characterize any particular defense as “affirmative,” nor to specify which party bears the burden of proof or persuasion on a particular defense, or that any particular issue or subject matter herein is relevant to Plaintiff’s claims.

1                   **FIRST DEFENSE (FAILURE TO STATE A CLAIM)**

2                   Plaintiff fails to state a claim for which relief can be granted.

3                   **SECOND DEFENSE (PROXIMATE CAUSE)**

4                   No act or omission of Defendant was the legal or proximate cause of any injury  
5                   alleged by Plaintiff.

6                   **THIRD DEFENSE (COMPLIANCE)**

7                   At all relevant times, Defendant acted in good faith and in accordance with all  
8                   applicable statutory and common law obligations. Moreover, Defendant did not  
9                   directly or indirectly perform any acts that would constitute a violation of any rights  
10                  of Plaintiff or any duty owed to Plaintiff.

11                  **FOURTH DEFENSE (LACHES)**

12                  Plaintiff's claims are barred, in whole or in part, by the doctrine of laches, as  
13                  Plaintiff has unreasonably delayed in bringing this action and acquiesced in the issue  
14                  about which it now complains.

15                  **FIFTH DEFENSE (RATIFICATION)**

16                  Plaintiff's claims are barred, in whole or in part, because Plaintiff, through its  
17                  acts, conduct, and omissions, ratified the alleged conduct of which it now complains.

18                  **SIXTH DEFENSE (PREEMPTION)**

19                  To the extent Plaintiff's claims seek to impose liability for failure to install  
20                  specific anti-theft devices or to comply with anti-theft regulations, its claims are  
21                  preempted by the federal motor vehicle safety standards, including but not limited to,  
22                  49 CFR § 541 et seq. and 49 CFR § 571.114, with which Defendant complied.

23                  **SEVENTH DEFENSE (NO FORESEEABILITY)**

24                  Plaintiff's claims are barred, in whole or in part, because the increased theft  
25                  rate of the vehicles due to a social media craze was not foreseeable to Defendant.

26                  **EIGHTH DEFENSE (CONTRIBUTORY/COMPARATIVE NEGLIGENCE)**

27                  Plaintiff's claims are barred, in whole or in part, and/or reduced by contributory  
28                  or comparative negligence and contributory or comparative fault, for reasons

1 including, but not limited to, Plaintiff's alleged injuries and/or damages were caused,  
2 in whole or in part, by its own failure to effectively enforce the law and prosecute  
3 violations thereof, and any recovery by Plaintiff is barred or, alternatively, should be  
4 diminished according to its own fault.

5 **NINTH DEFENSE (INTERVENING ACTS/CAUSATION)**

6 Plaintiff is barred from recovery because its alleged injuries were directly and  
7 proximately caused by the criminal and tortious acts of third parties over whom  
8 Defendant had no control or right of control.

9 **TENTH DEFENSE (MISUSE)**

10 Plaintiff is not entitled to recover to the extent any alleged damages or injuries  
11 were caused by the misuse, abuse, or failure to properly maintain or care for the  
12 subject vehicles.

13 **ELEVENTH DEFENSE (USE IN DISREGARD OF INSTRUCTIONS)**

14 Plaintiff's claims are barred to the extent the subject vehicles were used in  
15 disregard of the instructions and directions regarding their use, and that such misuse  
16 was not foreseeable to Defendant.

17 **TWELFTH DEFENSE (ALTERATION OF PRODUCT)**

18 The subject vehicles may have been altered and changed after they left  
19 Defendant's possession, custody, and control, and as such, Defendant would not be  
20 liable for Plaintiff's alleged injuries.

21 **THIRTEENTH DEFENSE (NON-DEFECTIVE PRODUCT)**

22 The subject vehicles were neither defective nor unreasonably dangerous when  
23 they left Defendant's possession or control.

24 **FOURTEENTH DEFENSE (STATE OF THE ART)**

25 Plaintiff's claims are barred because the subject vehicles were manufactured,  
26 designed, tested, and labeled in a manner conforming to the generally recognized or  
27 prevailing state of relevant scientific and technological knowledge available at the

1 time the vehicles were designed, manufactured, and placed on the market, and their  
2 benefits exceeded any associated risks.

3 **FIFTEENTH DEFENSE (FIRST AMENDMENT)**

4 Plaintiff's claims may be barred, in whole or in part, by the First Amendment  
5 to the Constitution of the United States. Defendant's representations, advertisements,  
6 and communications are entitled to protection under the United States Constitution.

7 **SIXTEENTH DEFENSE (ECONOMIC LOSS RULE)**

8 Plaintiff's claims are barred, in whole or in part, by the economic loss rule.

9 **SEVENTEENTH DEFENSE (MUNICIPAL COST RECOVERY RULE)**

10 Plaintiff's claims are barred, in whole or in part, under the municipal cost  
11 recovery rule.

12 **EIGHTEENTH DEFENSE (COGNIZABLE DAMAGES)**

13 Plaintiff's claims are barred, in whole or in part, because Plaintiff has not  
14 suffered any cognizable damage or injury.

15 **NINETEENTH DEFENSE (STANDING)**

16 Plaintiff's claims for damages are barred, in whole or in part, because Plaintiff  
17 lacks standing to recover damages.

18 **TWENTIETH DEFENSE (SPECULATIVE DAMAGES)**

19 Plaintiff's claims for damages are speculative, ambiguous, and illusory, and  
20 any award of damages against Defendant would be improper.

21 **TWENTY-FIRST DEFENSE (MITIGATION)**

22 Plaintiff's claims are barred, in whole or in part, by Plaintiff's failure to  
23 mitigate its alleged losses or damages.

24 **TWENTY-SECOND DEFENSE (PRIMARY JURISDICTION)**

25 Plaintiff's claims are barred, in whole or in part, because federal agencies have  
26 exclusive or primary jurisdiction over the matters asserted in the SAC.

27

28

1                   **TWENTY-THIRD DEFENSE (UNCLEAN HANDS)**

2                   Plaintiff comes to the Court with unclean hands that preclude any award of  
3                   equitable relief, including because: (1) Plaintiff failed to enforce the law to prevent  
4                   thefts; (2) Plaintiff brought suit against Defendant rather than any single thief directly  
5                   responsible for its alleged injuries; and (3) Plaintiff has attempted to impose private  
6                   liability in a manner contrary to public policy and the public interest.

7                   **TWENTY-FOURTH DEFENSE (ABATEMENT)**

8                   Plaintiff's request for abatement is barred in whole or in part on one or more of  
9                   the following grounds: (1) Plaintiff cannot demonstrate that any viable abatement  
10                  measures exist beyond those voluntarily undertaken by Defendant; and (2) Plaintiff  
11                  improperly seeks damages disguised as an abatement fund.

12                  **TWENTY-FIFTH DEFENSE (STATUTE OF LIMITATIONS AND REPOSE)**

13                  Plaintiff's claims are barred, in whole or in part, by the applicable statute of  
14                  limitations and of repose for each claim.

15                  **TWENTY-SIXTH DEFENSE (RIPENESS)**

16                  Plaintiff's claims are not ripe and/or have been mooted.

17                  **TWENTY-SEVENTH DEFENSE (LIMITATIONS, CAPS, AND SETOFFS)**

18                  Plaintiff's claims are barred, in whole or in part, reduced and/or limited  
19                  pursuant to applicable statutory and common law regarding limitations of awards,  
20                  caps on recovery, and setoffs.

21                  **TWENTY-EIGHTH DEFENSE (COLLATERAL SOURCE)**

22                  Any verdict or judgment that might be recovered by Plaintiff must be reduced  
23                  by those amounts that have already indemnified or with reasonable certainty will  
24                  indemnify Plaintiff in whole or in part for any past or future claimed economic loss  
25                  from any collateral source or any other applicable law.

26                  **TWENTY-NINTH DEFENSE (NO DUTY)**

27                  Defendant did not owe or breach any statutory or common law duty to Plaintiff.

## **THIRTIETH DEFENSE (AUTHORITY)**

Plaintiff's claims are barred to the extent that it lacks the statutory authority under respective state laws or its own applicable county or municipal codes or regulations.

## **THIRTY-FIRST DEFENSE (SEPARATION OF POWERS)**

Plaintiff's claims and damages are barred or limited by the political question and separation of powers doctrines and because its claims implicate issues of statewide importance that are reserved for state regulation.

## **THIRTY-SECOND DEFENSE (PRUDENTIAL MOOTNESS)**

10 Some or all of Plaintiff's claims are subject to the prudential mootness doctrine.

## **THIRTY-THIRD DEFENSE (CAPACITY)**

12 Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks capacity  
13 to bring its claims, including claims indirectly maintained on behalf of its citizens and  
14 claims brought as *parens patriae*.

## **THIRTY-FOURTH DEFENSE (GOOD FAITH/PUNITIVE DAMAGES)**

16 Defendant cannot be held liable for any punitive, exemplary, or other similar  
17 damages, because Defendant at all times made good faith efforts to comply with the  
18 law. Defendant denies that punitive and/or exemplary damages against Defendant are  
19 warranted, because at no time did Defendant act wrongfully or with malice, bad faith,  
20 or reckless indifference toward Plaintiff.

## 21 | THIRTY-FIFTH DEFENSE (CONSTITUTIONAL LIMITS ON DAMAGES)

22 Plaintiff's claims for punitive, aggravated, or exemplary damages or other civil  
23 penalties are barred, in whole or in part, by the due process protections afforded by  
24 the United States Constitution, the Excessive Fines Clause of the Eighth Amendment  
25 of the United States Constitution, the Full Faith and Credit Clause of the United States  
26 Constitution, and applicable provisions of the Constitution of any state whose laws  
27 may apply. Any law, statute or other authority purporting to permit the recovery of  
28 punitive damages or civil penalties in this case is unconstitutional, facially and as

1 applied, to the extent that, without limitation, it: (1) lacks constitutionally sufficient  
2 standards to guide and restrain the jury's discretion in determining whether to award  
3 punitive damages or civil penalties and/or the amount, if any; (2) is void for vagueness  
4 in that it fails to provide adequate advance notice as to what conduct will result in  
5 punitive damages or civil penalties; (3) unconstitutionally may permit recovery of  
6 punitive damages or civil penalties based on harms to third parties, out-of-state  
7 conduct, conduct that complied with applicable law, or conduct that was not directed,  
8 or did not proximately cause harm, to Plaintiff; (4) unconstitutionally may permit  
9 recovery of punitive damages or civil penalties in an amount that is not both  
10 reasonable and proportionate to the amount of harm, if any, to Plaintiff and to the  
11 amount of compensatory damages, if any; (5) unconstitutionally may permit jury  
12 consideration of net worth or other financial information relating to Defendant; (6)  
13 lacks constitutionally sufficient standards to be applied by the trial court in post-  
14 verdict review of any award of punitive damages or civil penalties; (7) lacks  
15 constitutionally sufficient standards for appellate review of any award of punitive  
16 damages or civil penalties; (8) would unconstitutionally impose a penalty, criminal in  
17 nature, without according to Defendant the same procedural protections that are  
18 accorded to criminal defendants under the constitutions of the United States and any  
19 state whose laws may apply; and (9) otherwise fails to satisfy Supreme Court  
20 precedent, including, without limitation, *Pac. Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1  
21 (1991); *TXO Prod. Corp. v. Alliance Res., Inc.*, 509 U.S. 443 (1993); *BMW of N. Am.*  
22 v. *Gore*, 517 U.S. 559 (1996); *State Farm Ins. Co. v. Campbell*, 538 U.S. 408 (2003);  
23 and *Philip Morris USA v. Williams*, 549 U.S. 346 (2007).

24 **THIRTY-SIXTH DEFENSE (TRUTHFUL)**

25 Plaintiff's claims are barred, in whole or in part, because Defendant's  
26 advertising and marketing materials, including affirmative representations, are  
27 truthful, and therefore not misleading.

28

1                   **THIRTY-SEVENTH DEFENSE (IMMATERIAL)**

2                   Plaintiff's claims are barred, in whole or in part, because Defendant's  
3 affirmative representations and/or omissions in its advertising and marketing  
4 materials are immaterial, such that a consumer would not have acted differently  
5 knowing the information, the advertising and marketing materials concerned the type  
6 of information upon which a buyer would not be expected to rely in making a decision  
7 whether to purchase a vehicle, and the advertising and marketing materials are  
8 unlikely to mislead a reasonable consumer in a material respect.

9                   **THIRTY-EIGHTH DEFENSE (NOT MISLEADING OR DECEPTIVE)**

10                  Plaintiff's claims are barred, in whole or in part, because Defendant's  
11 advertising and marketing materials are not misleading or deceptive, and would not  
12 cause a reasonable consumer to be misled or deceived.

13                  **THIRTY-NINTH DEFENSE (UNRELATED)**

14                  Plaintiff's claims are barred, in whole or in part, because Defendant's specific  
15 representations in advertising and marketing materials that Plaintiff identified in its  
16 SAC are unrelated to anti-theft technology.

17                  **FORTIETH DEFENSE (NOT UNFAIR)**

18                  Plaintiff's claims are barred, in whole or in part, because Defendant's conduct  
19 is not unfair, such that it does not offend public policy, is not immoral, unethical,  
20 oppressive, and/or unscrupulous.

21                  **FORTY-FIRST DEFENSE (ARTICLE III STANDING)**

22                  Plaintiff's claims are barred, in whole or in part, because Plaintiff's municipal  
23 ordinance does not require showing of an injury, as is required under Article III.

24                  **RESERVATION OF DEFENSES**

25                  Defendant has not knowingly or intentionally waived any applicable  
26 affirmative or other defenses and reserves the right to rely upon such defenses as may  
27 become available or apparent. Defendant reserves all affirmative defenses under Rule  
28 8(c) of the Federal Rules of Civil Procedure and any other defenses, at law and equity,

1 that may now be or in the future will become available based on discovery or any  
2 other factual investigation concerning this action or any related action.

## **PRAAYER FOR RELIEF**

WHEREFORE, Defendant prays for relief from judgment from Plaintiff as follows:

1. Plaintiff take nothing by reason of this SAC;
  2. Defendant recovers its costs and attorneys' fees incurred herein; and
  3. For such further and other relief as the Court deems proper.

DATED: September 18, 2024

## QUINN EMANUEL URQUHART & SULLIVAN, LLP

By /s/ Steven G. Madison

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